

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 19296 of 2005

ORDER:-

This writ petition is filed seeking to issue a writ of *Mandamus* declaring the Award dated 14.02.2005 in L.C.I.D.No. 184 of 2003 passed by the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad to the extent of denying back-wages, continuity of service and attendant benefits and ordering reinstatement at the minimum time-scale, as arbitrary, illegal and consequently direct respondent Nos.1 to 3 to reinstate the petitioner with regular pay-scale, back-wages, continuity of service and attendant benefits.

Heard Sri P.B.Vijay Kumar, learned counsel for the petitioner and Dr.K.Lakshmi Narasimha, learned Standing Counsel for Andhra Bank appearing on behalf of respondent Nos.1 to 3 and perused the material placed on record.

The brief facts of the case are that the petitioner was initially appointed as Cashier in Andhra Bank in 1985. While he was discharging his duties as Joint Custodian Cashier during June, 2002 it was alleged by the respondent – Bank that he had indulged in certain irregularities, as such, charge sheet was issued, and after conducting regular enquiry, the disciplinary authority imposed punishment of dismissal from

service for the proven misconduct on 03.03.2003. Thereafter, the petitioner preferred an appeal, and the appellate authority, modified the punishment of dismissal to that of compulsory retirement vide order dated 08.07.2003. Being aggrieved by the order of the appellant authority, the petitioner preferred L.C.I.D. 184 of 2003 before the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad under Section 2-A(2) of the Industrial Tribunals Act, and the Labour Court, vide order dated 14.02.2005, partly allowed the I.D. setting aside the punishment of compulsory retirement and further directed that the petitioner be reinstated into service in the minimum time-scale of pay, however the Labour Court has not granted continuity of service and back-wages. In pursuance of the Award passed by the Labour Court, the petitioner was reinstated into service, but his only grievance is that continuity of service and back-wages are not paid.

The learned counsel for the petitioner submits that he rendered 18 years of service prior to imposition of punishment of dismissal, and prays that at least his previous service should be counted for the purpose of terminal and pension benefits.

The learned Standing Counsel submits that the appellate authority has already taken a lenient view by modifying the punishment of compulsory retirement, and the Labour court further came to the rescue of the petitioner by setting aside

the compulsory retirement and ordered reinstatement into service. In view of the same, the Labour Court has rightly passed the impugned award which does not warrant any interference by this Court.

This Court, having considered the rival submissions of both the parties, is of the opinion that once the Labour Court has exercised its power under Section 11-A of the Act and is conscious of the fact that initially the dismissal was modified to that of compulsory retirement by the appellate authority, and later, the Labour Court, on appreciating the entire case, further granted relief to the petitioner by setting aside the orders of compulsory retirement and ordered reinstatement, and on its own discretion, has not granted back-wages and continuity of service. This Court is of the view that the petitioner's case has been considered leniently by the appellate authority as well as the Labour Court and no further leniency can be shown in awarding continuity of service and back-wages. When no illegality or perversity has been pointed out in the Award passed by the Labour Court, this Court cannot interfere with the orders passed by the Labour Court, more so, when it has legitimately exercised the statutory power under Section 11-A of the Act.

Hence, the writ petition is devoid of merit and the same is accordingly, dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending,
shall stand disposed of as infructuous.

ABHINAND KUMAR SHAVILI, J

31.08.2018

bcj

