

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.10923 of 2001

ORDER:-

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to the impugned Award dated 23.11.2000 in I.D.No. 246 of 1997 passed by the Industrial Tribunal-cum-Labour Court, Ananthapur setting aside the order of removal dated 23.09.1996 and directing reinstatement of the 1st respondent into service with continuity of service and back-wages from the date of filing the I.D. and attendant benefits, and quash the same as being illegal and without jurisdiction.

Heard Sri A. Ramarao, learned Standing Counsel for A.P.S.R.T.C. appearing on behalf of the petitioners and Sri P.Govindarajulu, learned counsel for the 1st respondent and perused the material placed on record.

The brief facts of the case are that the 1st respondent was appointed as Conductor and while he was discharging his duties, he indulged in cash and ticket irregularities, as such, his conduct was construed as misconduct by the petitioner-Corporation. Accordingly, the petitioners, after issuing Charge Memo and conducting detailed enquiry, removed him from service vide Proceedings dated 23.09.1996. When the 1st respondent preferred an appeal against the order of removal, the appellate authority rejected the same vide

orders dated 06.01.1997. Challenging the same, the 1st respondent filed a review petition, and the reviewing authority, by order dated 10.09.1997, rejected the same. Being aggrieved by the order of removal, the 1st respondent filed an Industrial Dispute in I.D.No. 245 of 1997, and the Labour Court, after appreciating the entire evidence, passed an Award dated 23.11.2000 setting aside the order of removal and directing reinstatement of the 1st respondent into service with continuity of service and back wages from the date of filing the I.D. and attendant benefits. Challenging the order of the Labour Court, the petitioner-Corporation has filed the present writ petition.

The learned Standing Counsel for A.P.S.R.T.C. has contended that the findings recorded by the Labour Court are perverse and contrary to the record, and in fact, every opportunity was given to the 1st respondent before imposition of punishment of removal from service, and in spite of the same, the Labour Court has erroneously passed the Award and the same is liable to be set aside.

The learned Standing Counsel further submits that in pursuance of the Award passed by the Labour Court, 1st respondent was reinstated into service in the year 2000 itself and he retired from service on attaining the age of superannuation in 2009.

The only issue that arises for consideration in this writ petition is whether the 1st respondent is entitled to back-wages as ordered by the Labour Court?

I have considered the submissions made by the learned Standing Counsel for A.P.S.R.T.C. appearing on behalf of the petitioners and perused the material on record.

From the material on record, it is obvious that the 1st respondent retired from service way back in the year 2009. Almost 10 years have elapsed since his retirement. At this length of time, the contention of the petitioner-Corporation that the 1st respondent is not entitled to back-wages as ordered by the Labour Court, cannot be sustained in the interest of the poor workman, who retired way back in the year 2009, and in view of the fact that the Labour Court awarded the back-wages in favour of the 1st respondent only from the date of filing the I.D., but not from the date of removal.

Further, except contending that the findings recorded by the Labour Court are perverse, the petitioners have not filed any material to demonstrate the same. The Labour Court, while taking all the factors in to account, passed the well-reasoned Award and the findings recorded by the Labour Court are not perverse and this Court does not find any

illegality or perversity in the impugned award dated 23.11.2000.

For the foregoing reasons, 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

22-06-2018

bcj

