

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.11088 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 28.09.2000 in I.D.No. 162 of 2000 passed by the Labour Court-I, Hyderabad and quash the same.

Heard Sri N. Vasudeva Reddy, learned Standing Counsel for A.P.S.R.T.C. appearing on behalf of the petitioner and Sri Syed Ahmed Ali, learned counsel for the respondent and perused the material placed on record.

The brief facts of the case are that the respondent was appointed as Conductor on casual basis in the year 1988, and subsequently, absorbed as regular employee. While he was discharging his duties during the year 1995, the petitioner-Corporation inspected the Bus and found that he was indulged in cash and ticket irregularities, and his conduct was construed by the petitioner as misconduct. After issuing Charge Memo and conducting a detailed enquiry, the petitioner, vide order dated 22.03.1996, removed the respondent from service. Challenging the order of removal, the respondent preferred an appeal, and the appellate authority, vide order dated 21.12.1996, rejected the appeal. Being aggrieved by the order of the appellate authority, the respondent preferred a review petition, and the reviewing

authority, rejected the same on 16.07.1997. Challenging the order of removal, the respondent filed an Industrial Dispute in I.D.No. 162 of 2000 under Section 2-A(2) of the Industrial Disputes Act, 1947, and the Labour Court, vide Award dated 28.09.2000, allowed the I.D. setting aside the order of removal and directing the petitioner-Corporation to reinstate the respondent into service with continuity of service, full back-wages and attendant benefits. Challenging the Award, the petitioner-Corporation has filed the present writ petition.

The learned Standing Counsel has submitted that during pendency of the writ petition, the respondent was reinstated into service in the year 2000 itself and the issue raised in the writ petition is only in respect of whether the respondent is entitled to payment of full back-wages or not.

The learned Standing Counsel has contended that the respondent approached the Labour Court nearly after three years from the date of dismissal of the review petition, and hence, there was delay on the part of the respondent in approaching the Labour Court, and for the fault of the respondent, the petitioner-Corporation should not be burdened with payment of full back-wages for the period the respondent did not pursue his remedies.

In view of the above submissions, this Court is of the considered opinion that the Labour Court was not right in

passing the Award to the extent of directing the petitioner to pay full back-wages from the date of removal from service till the Award is passed, thereby burdening the petitioner for payment of back-wages for the period of delay caused by the respondent in approaching the Labour Court.

Therefore, the Award is modified to the extent that the respondent is entitled to full back-wages only from the date of filing the I.D. but not from the date of removal from service.

With the above modification of the Award, the writ petition is disposed of. No order as to costs.

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



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ABHINAND KUMAR SHAVILI, J

22-06-2018

bcj