

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 2552 of 2007

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with I.D.No.51 of 1998 on the file of the 1st respondent-Labour Court and quash the order dated 31.07.2002 passed therein insofar as denying back wages and further imposing punishment of deferment of annual increments for a period of two years with cumulative effect. A consequential direction is also sought to the respondents 2 and 3 to pay back wages and grant increments to the petitioner.

2. Heard Sri G. Ravi Mohan, learned counsel for the petitioner, and Sri N. Vasudev Reddy, learned standing counsel for TSRTC appearing on behalf of respondents 2 and 3.

3. It has been contended by the petitioner that he was appointed as Conductor in the respondent corporation on 30.11.1981. While so, owing to ill-health and domestic problems, he was absent from duty. The respondent corporation construed the same as misconduct and the disciplinary authority, after conducting detailed enquiry, imposed on him the punishment of removal from service for the proven misconduct vide orders dated 21.10.1994. Challenging the same, he preferred an appeal before the appellate authority. Vide orders dated 22.12.1994, the appellate authority modified the punishment of removal to that of fresh appointment. Aggrieved thereby, he raised an

industrial dispute in I.D.No.51 of 1998 on the file of the 1st respondent-Labour Court. The Labour Court, vide orders dated 31.07.2002, set aside the orders of the disciplinary authority and the appellate authority and directed that the petitioner be reinstated into service with continuity of service and attendant benefits, but without back wages. The Labour Court further imposed punishment of stoppage of two increments with cumulative effect. Questioning the order of the Labour Court with regard to denial of back wages and further imposition of punishment of deferment of annual increments for a period of two years with cumulative effect, the present writ petition is filed.

4. Learned counsel for the petitioner has contended that the Labour Court ought to have exercised its power under Section 11-A of the Industrial Disputes Act and granted back wages. It is further contended that while setting aside the orders of disciplinary authority and the appellate authority, the Labour Court has erroneously imposed punishment of deferment of annual increments for a period of two years with cumulative effect.

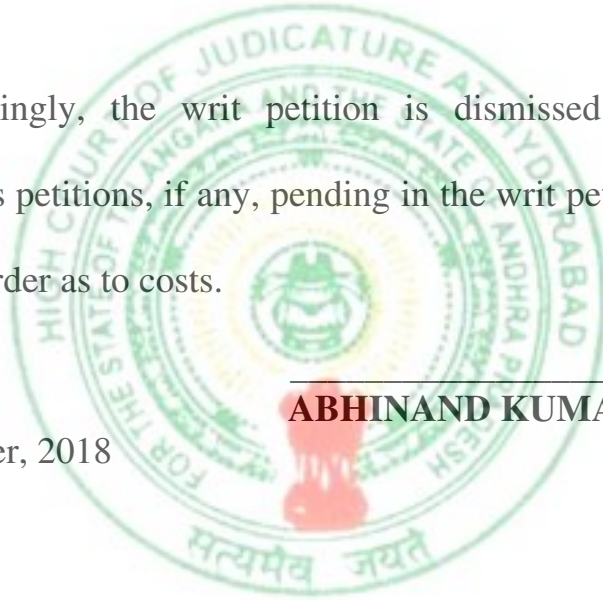
5. On the other hand, learned standing counsel for the respondent corporation has contended that the Labour Court has rightly passed orders impugned in the writ petition denying back wages and further imposing punishment of stoppage of annual increments for two years with cumulative effect. Therefore, no interference is called for.

6. Having considered the submissions made by the learned counsel for the parties and perused the record, this Court is of the considered view that the Labour Court has rightly passed the impugned orders. Further, no illegality or irregularity is pointed out by the learned counsel for the petitioner in the orders of the Labour Court. Unless and until any irregularity or illegality is pointed out by the learned counsel for the petitioner, this Court cannot interfere with the orders passed by the Labour Court. I find no merits in the writ petition.

7. Accordingly, the writ petition is dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

25th September, 2018
cbs

ABHINAND KUMAR SHAVILI, J



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Writ Petition No. 2552 of 2007
(dismissed)

25th September, 2018

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