

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19055 of 2003

ORDER:

This writ petition is filed by the APSRTC challenging the order passed in ID No.292 of 2001, dated 24.2.2003 by the Industrial Tribunal-cum-Labour Court, Anantapur, and quash or set aside the same holding it as arbitrary and illegal.

2. Sri A.Rama Rao, the learned Standing Counsel for respondent-Corporation, contends that the 2nd respondent-workman was working as a conductor with the petitioner and while he was discharging his duties, the 2nd respondent-workman had indulged in cash and ticket irregularities. The said conduct of the respondent-workman was construed as misconduct and the disciplinary authority has initiated the enquiry and, after conducting a detailed enquiry, has imposed a punishment of removal for the proven misconduct in the enquiry, vide orders dated 13.2.1999. Thereafter, the respondent-workman unsuccessfully preferred appeal and review and thereafter filed ID No.292 of 2001 under Section 2-A(2) of Industrial Disputes Act. The Tribunal, vide orders dated 24-2-2003 was pleased to allow the ID preferred by the respondent-workman and set aside the orders of removal and directed the respondent to reinstate the petitioner into service with continuity of service, but only with half of back wages. Challenging the same, the writ petition is filed.

3. The learned Standing Counsel for the petitioner corporation contends that when there is an allegation of cash and ticket irregularities, the Labour Court ought not to have set aside the orders of removal with continuity of service and half of the back wages and contends that atleast Labour Court ought not to have granted half of the back wages.

4. The learned counsel appearing for the respondent-workman contends that the Labour Court has rightly passed orders in his favour and no illegality or irregularity has been pointed out by the petitioner in the orders passed by the Labour Court and no interference is called for and the writ petition is liable to be dismissed.

5. This Court, having considered the rival submissions made by the parties, is of the considered view that the Labour Court erred in awarding 50% of the back wages to the respondent-workman therefore the order of the Labour Court wherein half of back wages were granted to the respondent-workman, is set aside and the rest of the order passed by the Labour Court is confirmed. With this observation, the Writ Petition is disposed of.

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

ABHINAND KUMAR SHAVILI, J

17th December, 2018

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