HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2633 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with I.D.No.82 of 2004 on the file of the Labour Court, Godavarkani, and to quash the award dated 8.11.2005 passed therein, and to direct the respondents to treat the absence period as leave due and the period from 17.9.1998 till the date of his joining duty as on duty, with continuity of service and with all attendant benefits including full back wages.

2. Heard Sri P. Govinda Rajulu, learned Counsel for the petitioner and Sri A. Ravi Babu, learned Standing Counsel for the respondent-Corporation.

3. It has been contended by the petitioner that he was appointed as driver in the respondent-Corporation and while he was discharging his duties as such, owing to ill-health, he remained absent and the said absence of the petitioner was construed as misconduct, and that the disciplinary authority after conducting enquiry imposed punishment of removal from service on the petitioner vide proceedings dated 16.9.1998, against which, the petitioner preferred appeal. It has been further contended that the appellate authority passed set aside the punishment of removal while directing the respondent-

Corporation to reinstate the petitioner into service on the following terms:

(i) The pay of the petitioner is reduced by two incremental stages for a period of two years, which shall have effect on his future increments;

(ii) The period of absence i.e., from the date of absence to till he reports for duty, is treated as 'not on duty' for the purpose of leave increments and gratuity;

(iii) He should pay the security deposit i.e., Rs.500/- fresh before joining for duty.

Further, it has been contended that aggrieved by the order of the appellate authority, the petitioner filed review and in the review, the order of appellate authority was modified as follows:

> "Defer annual increment for a period of One year which shall have its effect on his future increments. This order of modification will have only prospective effect, but not retrospective."

Challenging the order of the reviewing authority, the petitioner filed I.D. before the Labour Court and the Labour Court vide award dated 8.11.2005 dismissed the I.D. Hence, the petitioner filed this writ petition.

4. The learned Standing Counsel for the respondent-Corporation contended that the appellate authority and reviewing authority have taken a lenient view and the Labour Court has rightly dismissed the case of the petitioner and there are no merits in this writ petition and that the award impugned does not warrant any interference.

5. This Court has considered the rival submissions made by the parties and the material on record. Unless and until there is some grave irregularity committed by the Labour Court in passing the award, the Courts will not interfere with the award. No illegality or irregularity has been pointed out by the learned Counsel for the petitioner in the award passed by the Labour Court. There are no merits in this writ petition. Therefore, this Court is not inclined to interfere with the award impugned.

6. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 19th September, 2018.
Nn.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2633 OF 2007

HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते

19/09/2018

Nn.