

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14077 OF 2004

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with the I.D.No.148 of 2001 on the file of the 2nd respondent-Labour Court, and to quash the award dated 18.3.2004 passed therein.

2. Heard Sri N. Vasudeva Reddy, learned Counsel for the petitioner and Sri G. Ravi Mohan, learned Counsel for the 1st respondent.

3. It is the case of the petitioner that the 1st respondent-workman was appointed as casual conductor on daily wage basis on 27.8.1998 and subsequently, his services were regularized with effect from 25.9.1999, and while he was discharging his duties as conductor, during October, 1999, charge sheet was issued to him alleging that he indulged in cash and ticket irregularities, and the disciplinary authority after conducting a detailed enquiry, imposed punishment of removal from service on the petitioner on 3.4.2000 and thereafter, the 1st respondent-workman filed I.D.No.148 of 2001 before the Labour Court. The Labour Court vide order dated 18.3.2004 was pleased to set aside the order of removal while directing the petitioner herein to reinstate the respondent-workman into

service within one month from the date of publication of the award and to pay 25% of back wages to the 1st respondent-workman. The Labour Court further held that the 1st respondent-workman is entitled for continuity of service, but without attendant benefits for the break period.

4. Learned Standing Counsel for the petitioner contended that the Labour Court failed to appreciate that the charges levelled against the 1st respondent were proved and that the labour Court erroneously passed award in favour of the 1st respondent-workman.

5. Learned Counsel for the 1st respondent-workman contended that in pursuance of the award of the Labour Court, the 1st respondent-workman was reinstated into service and half of 25% back wages awarded by the labour Court were already paid to the respondent-workman and that no illegality has been committed by the Labour Court so as to interfere with the award passed by the Labour Court and that there are no merits in this writ petition. The learned Counsel for the 1st respondent-workman further contended that the 1st respondent-workman is willing to forego remaining half of 25% back wages and the rest of the award may be confirmed.

6. This Court has considered the rival submissions made by the parties and the material on record. The Courts cannot interfere with the award until and unless grave irregularity has

been pointed out by the petitioner in the award of the Labour Court. No illegality has been pointed out by the petitioner-Corporation in the award passed by the Labour Court. However, considering the above submissions of the learned Counsel for the 1st respondent-workman and in view of the fact that half of 25% of back wages awarded by the Labour Court has already been paid, the direction of the Labour Court with regard to payment of 25% of back wages to the 1st respondent-workman is modified to that of 12.5% back wages. Rest of the award is confirmed.

7. With the above modification, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

Dated: 23rd October, 2018.
Nn.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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23/10/2018

Nn.