

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.NO.29049 OF 2011

O R D E R

Aggrieved by the award dated 07.12.2010 passed by the Industrial Tribunal – cum – Labour Court, Anantapur in I.D.No.224 of 2008 in denying back wages, the petitioner – workman of the respondent – Corporation, filed the present writ petition.

Learned counsel for the petitioner, contended that the Tribunal having set aside the impugned order of termination, is not justifying in denying back wages and, therefore, he sought for a direction to grant back wages.

On the other hand, learned Standing Counsel for the 1st respondent – Corporation supporting the impugned order, contended that the Tribunal on the principle of 'no work no pay' denied back wages and hence the same may not be interfered with.

From the material on record, it could be seen that the petitioner was working as Conductor in the respondent – Corporation and on the charges of cash and ticket irregularities, by framing appropriate charges and conducting inquiry in compliance with the principles of natural justice, Corporation terminated him from service. On unsuccessfully availing the remedies of in-house appeal and review, petitioner preferred I.D., and by the impugned award, the Tribunal set aside the punishment of removal.

It is to be seen that the Tribunal has not set the impugned order of termination on the ground that charges are not proved. It found that the

petitioner has not committed the misconduct intentionally. Having regard to the facts and circumstances and the material on record, it found that the punishment imposed was excessive vis-à-vis the misconduct proved and, therefore, in exercise of discretionary jurisdiction under Section 11-A of the Industrial Disputes Act, 1947, set aside the orders of removal dated 24.08.2006 and directed the Corporation to reinstate the petitioner into service with continuity of service, with attendant benefits, but without back wages on the principle of 'no work no pay'.

In view of these circumstances and where the relief was granted by the Tribunal in exercise of jurisdiction under Section 11-A, of the Act, and where no illegality or irregularity is pointed out by the learned counsel for the petitioner, I do not find any justifiable reason to interfere with the impugned award of the Tribunal in denying back wages.

The writ petition is devoid of any merits and the same is accordingly dismissed.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

ABHINAND KUMAR SHAVILI, J

DATE: 26—10—2018

AVS