

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.24689 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to I.D.No.192 of 2001 on the file of the Industrial Tribunal-cum-Labour Court, Visakhapatnam-1st respondent and quash the award dated 16.4.2002 passed therein (which was published in G.O.Rt.No.1270 dated 13.5.2002) as illegal and arbitrary.

Heard Sri S.V.Ramana, learned standing counsel for the petitioner Corporation and Sri A.Nagendra Rao, learned counsel for the 2nd respondent-workman.

It has been contended by the petitioner Corporation that the 2nd respondent-workman was appointed as Driver during the year 1988. While the 2nd respondent workman was discharging his duties during March, 1992, he had caused a fatal accident and the said act of the 2nd respondent workman was construed as misconduct and disciplinary proceedings were initiated against him and after conducting a detailed enquiry, the disciplinary authority had imposed a punishment of removal on 11.2.1993 for the proven misconduct in the enquiry. Challenging the said orders of removal, the 2nd respondent-workman filed I.D.No.192 of 2001 before the 1st respondent-Industrial Tribunal-cum-Labour Court, Visakhapatnam and the 1st respondent-Tribunal vide orders dated 16.4.2002 had allowed the I.D. setting aside the removal order and directing that the 2nd respondent workman be reinstated into service with

continuity of service but without any back wages. Challenging the same, the present writ petition is filed.

Learned standing counsel for the petitioner corporation had contended that there is delay of six years on the part of the 2nd respondent workman in approaching the 1st respondent Tribunal and the Tribunal ought to have dismissed I.D. preferred by the 2nd respondent workman.

Learned counsel appearing for the 2nd respondent workman had contended that the 1st respondent Tribunal had exercised its power under Section 11-A of the Industrial Disputes Act and interfered with the punishment of removal and as no illegality has been pointed out in the order passed by the 1st respondent Tribunal, the writ petition is liable to be dismissed.

Considering the submissions made by both the parties, this Court is of the view that the 1st respondent Tribunal had rightly denied back wages to the 2nd respondent workman on the ground that he approached the 1st respondent Tribunal belatedly. Therefore, this Court is not inclined to interfere with the order passed by the 1st respondent Tribunal and the writ petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 20/09/2018

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