

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25310 OF 2010

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.14 of 2009 on the file of the Labour Court-I, A.P., Hyderabad, and to quash the award dated 17.6.2010 passed therein by holding it as arbitrary and illegal.

2. Heard Sri N. Vasudeva Reddy, learned Standing Counsel for the petitioner-Corporation and Sri G. Praveen Kumar, learned Counsel for the respondent-workman.

3. It has been contended by the learned Standing Counsel for the petitioner that the respondent-workman was appointed as conductor and while he was discharging his duties, during October, 2007, he indulged in certain cash and ticket irregularities, and the said conduct of the workman was construed as misconduct, and on the said allegation, the petitioner-Corporation initiated disciplinary proceedings against the workman, and after conducting regular enquiry, for the proved misconduct, the petitioner-Corporation removed the workman from service, and aggrieved by the same, the respondent-workman unsuccessfully filed appeal and review and thereafter, he filed I.D.No.14 of 2009, and the Labour Court

vide order dated 17.6.2010 allowed the I.D. setting aside the order of termination and directing the petitioners to reinstate the workman into service with continuity of service and 75% of back wages. Challenging the same, the petitioner-Corporation filed this writ petition.

4. Learned Standing Counsel for the petitioner contended that the Labour Court has not appreciated any of the contentions raised by the petitioner and it has mechanically allowed the I.D. preferred by the respondent-workman and that the Labour Court ought not to have ordered 75% of back wages and granted continuity of service in favour of the respondent-workman in spite of the fact that the charges leveled against the workman were proved in the enquiry.

5. The learned Counsel for the respondent-workman contended that the Labour Court has rightly passed orders in favour of the workman and that no illegality or irregularity has been pointed out by the petitioner so as to interfere with the award passed by the Labour Court and that the writ petition is devoid of merits.

6. This Court having considered the rival submissions made by the parties, is of the view that the Labour Court ought not to have awarded 75% back wages. Therefore, 75% back wages

awarded by the Labour Court is modified to that of 50% of 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:24th October, 2018.
Nn.



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Nn.