

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5020 OF 2004

ORDER:

1. This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the Labour Court-II in denying the back wages and imposing the punishment of withholding of annual increment for a period of three years without cumulative effect, vide award dated 8.4.2002 in I.D.No.188 of 1999, while modifying the removal order passed by the 2nd respondent dated 31.5.1999, as arbitrary and illegal, and consequently, to direct the respondents to fix the pay of the petitioner in the post of Grade-I Driver w.e.f. 1.7.1998 duly releasing the entire back wages including fixation benefits forthwith.

2. Heard Sri J.M. Naidu, learned Counsel for the petitioner and Sri N. Vasudeva Reddy, learned Standing Counsel for the respondents.

3. It has been contended by the petitioner that he was appointed as driver on 24.4.1983 and while he was discharging his duties, the petitioner could not attend duty due to ill-health and domestic problems during November, 1998 and that the absence of the petitioner was construed as misconduct and the disciplinary authority after conducting enquiry imposed

punishment of removal vide proceedings dated 31.5.1999, and challenging the same, the petitioner filed I.D.No.188 of 1999 before the Labour Court under Section 2-A(2) of the Industrial Disputes Act. Further, it has been contended by the petitioner that the Labour Court vide order dated 8.4.2002 passed award setting aside the order of removal and directing the respondents to reinstate the petitioner into service, with continuity of service, but without back wages, and that the Labour Court while granting the relief, imposed punishment of stoppage of annual increments of the petitioner for three years, without cumulative effect. Challenging the same, the petitioner filed this writ petition.

4. Learned Counsel for the petitioner contended that the Labour Court ought to have exercised its power under Section 11-A of the Industrial Disputes Act and granted back wages and it should not have imposed alternative punishment of stoppage of annual increment for a period of three years without cumulative effect, and therefore, the award impugned warrants interference by this Court.

5. The learned Standing Counsel for the respondents contended that the Labour Court has rightly passed the award impugned and that the Labour Court has not committed any illegality or irregularity in passing the award impugned so as to

interfere with the award impugned and therefore, the writ petition is liable to be dismissed.

6. This Court having considered the rival submissions made by the parties is of the view that the Labour Court has rightly passed the award impugned. The petitioner could not point out any illegality or irregularity in the award impugned. Therefore, this Court is not inclined to interfere with the award impugned.

7. Accordingly, the Writ Petition is dismissed. 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

WRIT PETITION No.5020 OF 2004

(dismissed)



23/10/2018

Nn.

