

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.12951 OF 2004

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the Award dated 4.7.2003 passed in I.D.No.38 of 1997 by the Labour Court, Guntur and to quash or set aside the same by holding it as arbitrary and illegal.

While admitting the writ petition, this Court on 28-07-2004 in WPMP No.16541 of 2004 granted interim stay of recovery of back wages on condition of depositing 50% of the back wages within six weeks.

When the matter is taken up for hearing, learned Standing Counsel appearing for the petitioner-Corporation submits that since the 1st respondent-workman had indulged in cash and ticket irregularities, the Corporation had imposed the punishment of removal, and therefore, the Labour Court ought not to have directed the Corporation to reinstate the workman into service with 50% back wages, and with continuity of service.

Learned Standing Counsel appearing for the 1st respondent submits that the Corporation is willing to pay remaining 50% back wages and that the Award passed by the Labour Court be confirmed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the Award passed by the Labour Court can be modified to the extent of reducing back wages.

Accordingly, the Award passed by the Labour Court in I.D.No.38 of 1997 dated 4.7.2003 is modified to the extent of reducing back wages from 50% to 25%. Since the petitioner-Corporation has already deposited half of the back wages pursuant to the interim order granted by this Court on 28.07.2004, the respondent-workman is at liberty to withdraw the same. The Award passed by the Labour Court in all other aspects is confirmed.

With the above observations, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

11th December, 2018
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