

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7107 of 2011

ORDER:

This writ petition is filed seeking to issue a writ of Certiorari calling for the records connected with I.D.No.126 of 2005 on the file of the 1st respondent and quash the award dated 16.10..2006 insofar as not granting attending benefits and back wages as illegal and arbitrary and consequently to grant the attendant benefits and back wages along with continuation of service.

Heard Sri G.Ravi Mohan, learned counsel for the petitioner and Sri P.Durga Prasad, learned standing counsel for APSRTC.

It has been contended by the petitioner that he was appointed as Driver in the respondent corporation during the year 1996 and while he was performing his duties on vehicle bearing No.AP 10Z 7874, the bus met with an accident near Keesara Village and the disciplinary authority had construed the said conduct of the petitioner as misconduct and initiated disciplinary proceedings and after conducting a detailed enquiry, the petitioner was removed from service on 13.11.2002 for the proven misconduct and challenging the same, the petitioner filed I.D.No.126 of 2005 before the Labour Court, Hyderabad under Section 2-A(2) of the Industrial Disputes Act and the Labour Court, vide orders dated 16.10.2006 had set aside the order of removal and directed to reinstate the petitioner into service with continuity of service, however, without back wages. Challenging the same, the present writ petition is filed.

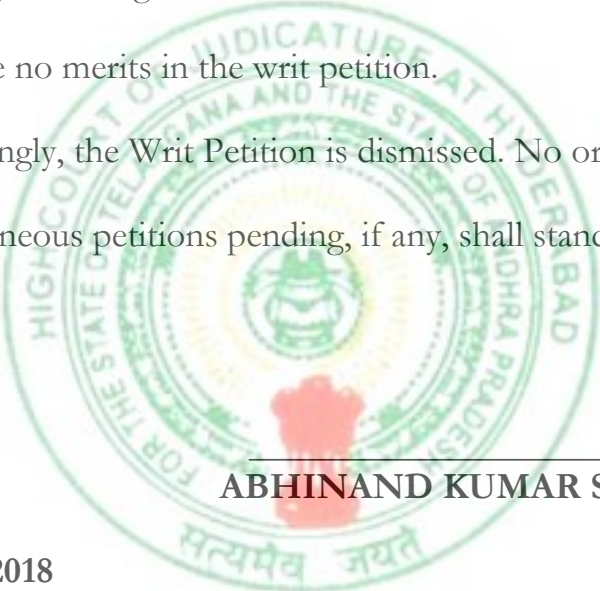
Learned counsel appearing for the petitioner contends that the Labour court ought to have granted back wages and attendant benefits in exercise of its powers under Section 11-A of the I.D. Act.

Learned Standing counsel for the respondent Corporation had contended that the Labour Court had rightly passed orders in favour of the petitioner and no irregularity or illegality has been pointed by the petitioner so as to interfere with the orders passed by the Labour Court.

This Court having considered the submissions made by both the parties is of the considered view that the Labour Court has rightly passed orders denying back wages and attendant benefits to the petitioner and, hence there are no merits in the writ petition.

Accordingly, the Writ Petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.



ABHINAND KUMAR SHAVILI, J

Date: 06/11/2018
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