

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22385 OF 2004

ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the Award, dated 01.04.2004, passed in I.D. No.137 of 2002 by respondent No.2 - Labour Court-I, Hyderabad, as illegal and arbitrary.

2. Heard Sri N. Vasudeva Reddy, learned standing counsel for the petitioner, and learned Government Pleader for Labour.

3. The learned standing counsel would contend that respondent No.1 has specifically observed that respondent No.1 - Workman has admitted about the alleged absence due to illness as he was attacked with jaundice. When respondent No.1 - workman has admitted about his absence, respondent No.1 - Labour Court-I ought not to have interfered with the punishment of removal and ought not to have granted 25% of back wages, and contended that at least to the extent of granting 25% of back wages be set aside.

4. Having considered the submission made by the learned standing counsel appearing for the petitioner, this Court is of the considered view that respondent No.2 ought not have granted 25% of the back wages to respondent No.1 - workman.

5. The present Writ Petition is allowed in part, and the Award, dated 01.04.2004, passed by respondent No.2 in I.D. No.137 of 2002, to the extent of granting 25% of back wages to respondent No.1, is hereby set aside, while confirming rest of the Award. However, in the circumstances of the case, there shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present writ petition stand closed.

December 15, 2018
Mgr

ABHINAND KUMAR SHAVILI, J

