

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 717 of 2010

ORDER:-

This writ petition is filed for the following substantive relief:

“...to issue an order in the nature of Writ of Certiorari calling for the records relating to the Award dated 29.10.2007 in I.D.No. 108 of 2005 passed by the Industrial Tribunal-cum-Labour Court, Visakhapatnam and quash the same insofar as not granting back-wages holding it as illegal, arbitrary and unjust.”

Heard Sri M. Krishna Rao, learned counsel for the petitioner and Sri Arun Kumar Lathker, learned Standing Counsel for A.P.S.R.T.C. appearing on behalf of the respondents and perused the material placed on record.

The case of the petitioner is that he was appointed as Conductor in the respondent-Corporation in 1988. While he was conducting the bus, the checking officials of the Corporation conducted sudden check and found that the petitioner had indulged in cash and ticket irregularities. The respondent – Corporation construed the petitioner's conduct as misconduct. After conducting detailed enquiry, the disciplinary authority, by order dated 20.01.2004, imposed punishment of removal from service for the proven misconduct. Challenging the same, the petitioner unsuccessfully preferred an appeal and review, and subsequently preferred I.D.No. 108 of 2005, and the Industrial

Tribunal-cum-Labour Court, Visakhapatnam, vide Award dated 29.10.2007, while setting aside the order of removal, ordered reinstatement of the petitioner into service but without back-wages. Challenging the same, the present writ petition is filed.

The learned counsel for the petitioner contends that the Labour Court, while setting aside the order of removal, ought to have granted back-wages as no charges were proved in the enquiry and prays that the writ petition may be allowed directing the respondents to pay back-wages to the petitioner by duly modifying the award passed by the Labour Court.

The learned Standing Counsel contends that the Labour Court has rightly passed the Award in favour of the petitioner, and as no illegality or irregularity has been pointed out in the Award, this Court should not normally interfere with the Award passed by the Labour Court.

Having considered the rival contentions of the learned counsel for both the parties, this Court is of the opinion that the Labour Court has rightly passed the Award in favour of the petitioner by denying back-wages and interfered with the punishment of removal only on the ground of proportionality theory, and since no illegality or irregularity has been pointed out by the Labour Court, this Court cannot interfere with the impugned award.

Hence, the writ petition is devoid of merit, and the same is accordingly, dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

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ABHINAND KUMAR SHAVILI, J

25-10-2018

bcj

