

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 17803 of 2001

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the 1st respondent in withholding the back wages of the petitioner vide award dated 21.12.2000 in I.D.No.235 of 1997, as arbitrary and illegal. A consequential direction is also sought to set aside the said award to the extent of withholding the back wages.

2. Heard Sri M. Venkata Narayana, learned counsel for the petitioner, and Mr. P. Durga Prasad, standing counsel for APSRTC, appearing for the 2nd respondent and perused the record.

3. It has been contended by the petitioner that he was appointed as a Conductor in the 2nd respondent corporation on 13.04.1987. While discharging his duties in 1995, the checking officials conducted a check and they found that he had indulged in cash and ticket irregularities. Thereafter, the 2nd respondent corporation initiated disciplinary proceedings and after conducting a detailed enquiry, removed him from service on 27.10.1995 for the proven misconduct. Questioning the same, he preferred an appeal and the same was rejected. Subsequently, he raised an industrial dispute before the Labour Court, Guntur, in I.D.No.235 of 1997 and the Labour Court, vide award dated 21.12.2000, interfered with the punishment of removal on the proportionality theory, set aside the order of removal

and directed the 2nd respondent corporation to reinstate him into service with continuity of service, but without back wages. Aggrieved by the denial of back wages, he filed the present writ petition.

4. This Court, having considered the submissions made by both the parties, is of the considered view that while exercising the powers under section 11(A) of the I.D. Act, the Labour Court had rightly interfered with the punishment of removal on the ground of proportionality and directed the 2nd respondent corporation to reinstate the petitioner into service with continuity of service, but without back wages. I find no merits in the writ petition to interfere with the impugned award.

8. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

14th August, 2018
cbs

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Writ Petition No. 17803 of 2001
(dismissed)

14th August, 2018

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