

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 12181 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with I.D.No.22 of 1998 on the file of the 1st respondent and quash the order dated 10.08.2001 passed therein insofar as denial of back wages and imposition of punishment of deferment of two annual increments with cumulative effect, holding it as illegal and arbitrary. A consequential direction is also sought to grant back wages and annual increments to the petitioner.

Heard Sri G. Ravi Mohan, learned counsel for the petitioner, and learned standing counsel for APSRTC appearing on behalf of the 2nd respondent.

It has been contended by the petitioner that he was appointed as Conductor in the respondent corporation on 16.11.1973 and, later on, promoted as Controller on 21.06.1978 and, thereafter, promoted as Assistant Depot Clerk on 22.07.1980. While so, when he was discharging his duties, he fell sick in November, 1995 and he informed of the same to the respondent corporation while leaving to his native place, but the respondent corporation construed the same as misconduct and issued a charge sheet alleging unauthorized absence from duty from 23.11.1995 to 08.12.1995 against him on 19.07.1997, for which he gave an explanation denying the charges. Dissatisfied

with his explanation, an enquiry was conducted and though there was no evidence on record and without following the principles of natural justice, the enquiry officer submitted his report holding the charges leveled against him as proved. Basing on which, a show cause notice was issued to him and thereafter he was terminated from service. Aggrieved thereby, he unsuccessfully preferred an appeal and thereafter filed I.D.No.22 of 1998 on the file of the 1st respondent. The 1st respondent vide award dated 10.08.2001 set aside the order of termination and directed the respondent corporation to reinstate him into service with continuity of service, but without back wages and further imposed punishment of deferment of two annual increments with cumulative effect. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner has contended that the Labour Court while exercising the power under Section 11-A of the Industrial Disputes Act ought to have awarded back wages to the petitioner and ought not to have imposed further punishment of deferment of two annual increments with cumulative effect.

On the other hand, learned standing counsel for the respondent corporation has contended that while exercising the power under Section 11-A of the Industrial Disputes Act, the Labour Court rightly passed the impugned award and, therefore, no interference is called for from this Court.

This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that while exercising the power under Section 11-A of the Industrial Disputes Act, the Labour Court has rightly passed the impugned award. Further, no illegality or irregularity has been pointed out in the award passed by the Labour Court. Unless and until any grave irregularity or illegality is pointed out by the learned counsel for the petitioner, this Court cannot interfere with the impugned award. There are no merits in the writ petition.

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

ABHINAND KUMAR SHAVILI, J

4th September, 2018
cbs

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Writ Petition No. 12181 of 2004
(dismissed)

4th September, 2018

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