

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.20009 of 2001

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with Award dated 09.06.2000 passed in I.D.No.34 of 1999 by the Labour Court to the extent of not granting back wages and other attendant benefits and consequently to direct the 2nd respondent to grant full back wages to the petitioner.

Heard Sri B.G.Ravinder Reddy, learned counsel appearing for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel appearing for the 2nd respondent-Corporation.

It is the case of the petitioner that he was appointed as a Driver in the respondent-Corporation on 19.11.1987 and while discharging his duties as such, he had indulged in a road accident and the respondent-Corporation has construed the act of the petitioner as a misconduct, issued a charge sheet on 11.11.1996 and after conducting regular departmental enquiry, the disciplinary authority has removed the petitioner from service *vide* order dated 18.04.1998. Challenging the same, the petitioner has preferred I.D.No.34 of 1999 before the Industrial Tribunal- cum-Labour Court, Hyderabad, under

Section 2-A (2) of the Industrial Disputes Act, 1947 (for short 'the Act'). The Labour Court while taking into consideration the fact that the accident has not occurred due to the rash and negligent driving of the petitioner-workman; that he was acquitted in the criminal case; and that his removal is not justified, passed Award in his favour on 09.06.2000 by setting aside the removal order and directing the respondent-Corporation to reinstate him into service with continuity of service, but without back wages.

Learned Standing Counsel appearing for the respondent-Corporation contends that the Labour Court by exercising its powers under Section 11-A of Act, has rightly passed the award in favour of the petitioner by setting aside the order removal and reinstating him into service with continuity of service, without back wages and hence, no further interference is called for.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the Labour Court was conscious about denying back wages to the petitioner and by exercising its power under Section 11-A of the Act, has rightly passed the award in favour of the petitioner. There is no illegality in the award passed by the Labour Court.

The writ petition is devoid of merits and is accordingly dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

17th August, 2018
rkk

