

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.11784 OF 2002

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the Award dated 21.12.2000 passed in I.D.No.233 of 1998 by the Industrial Tribunal-cum-Labour Court, Ananthapur, and to quash or set aside the same by holding it as arbitrary and illegal, insofar as not granting back wages are concerned.

Heard Sri P.Veera Reddy, learned counsel appearing for the petitioner, and Sri A.Rama Rao, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that he was appointed as Driver on 8.4.1985 in the respondent-Corporation and was discharging his duties as such. While so, his wife has given a complaint under Section 498-A read with 324 IPC and he was arrested during pendency of the criminal case. This incident was construed as misconduct. After conducting detailed enquiry and for the proven misconduct, the respondent-Corporation removed him from service *vide* proceedings dated 19.09.1997. Aggrieved by the same, the petitioner had preferred I.D.No.233 of 1998 before the Industrial Tribunal-cum-Labour Court, Anantapur. The Labour Court passed Award on

21.12.2000 in favour of the petitioner directing the respondent-Corporation to reinstate the petitioner into service with continuity of service by granting notional increments along with compensation of Rs.5,000/- in lieu of back wages. Challenging the denial of back wages, the present writ petition is filed.

During pendency of the writ petition, the petitioner had retired from service.

Learned counsel appearing for the petitioner contends that while exercising its powers under Section 11-A of the Industrial Disputes Act, 1947 (for short 'the Act'), the Labour Court ought to have granted back wages to the petitioner, as the involvement of the petitioner in a criminal case is not related to his employment, but the said aspect was neither considered by the disciplinary authority nor by the Labour Court. He further contends that a direction may be given to the respondent-Corporation to pay back wages to the petitioner during the period he was out of employment.

Learned Standing Counsel appearing for the respondent-Corporation contends that the Labour Court had rightly passed the Award in favour of the petitioner, and that no illegality or irregularity has been committed by the Labour Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the Labour Court by exercising its power under Section 11-A of the Act, had rightly denied the back wages. Unless and until a grave irregularity or illegality has been pointed out by the petitioner, this Court is not inclined to interfere with the Award passed by the Labour Court. There are no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

5th October, 2018

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