

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 8760 OF 2004

ORDER :

This Writ Petition is filed seeking the following relief:

“For the reasons and in the circumstances stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus calling for the records relating to the Award passed in ID.No.179 of 1999 dt.4.9.2001 on the file of the Labour Court No.III, Hyderabad and declare the same as illegal, arbitrary in so far as not granting the back wages from 6.5.1995 to 26.11.2001 and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case”.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

It has been contended by the petitioner that he was initially appointed as Conductor in APSRTC and later his services were regularized. While he was conducting the service on the Route Mahabubnagar to Kollapur on 20th June, 1994 at the end of the duty, he submitted the cash and returned the tickets to the Depot Clerk. He was served a charge memo for which he submitted his explanation. Thereafter, a charge sheet was served on 19.7.1994. He submitted his explanation on 22.7.1994 contending that the Deputy Superintendent (T) altered the way bill in his absence and also stated that there are no alterations and enquiry is conducted and the enquiry report dated

19.11.1994 was submitted, stating that the charges are proved. Accepting the findings of the Enquiry Officer, a show cause notice for removal dated 10.3.1994 was issued, to which he submitted his explanation on 24.4.1995. Then removal orders were passed on 5.5.1995 and thereafter he filed review and the same was dismissed and thereafter, the petitioner raised I.D.No.179 of 1999 under Section 2-A(2) of the Industrial Disputes Act, and the Labour Court-III, Hyderabad, vide orders 4.9.2001 passed orders setting aside the removal orders and directing the corporation to reinstate the petitioner into service with continuity of service, but on the principle of “No work no pay” without back-wages. Challenging the same, the present Writ Petition is filed.

The learned Counsel for the petitioner contends that the Labour Court ought to have granted atleast back wages and therefore, contended that the orders may be passed directing the respondents to pay back wages.

The Standing Counsel for the respondents contends that the Labour Court has rightly passed orders denying back wages and there are no merits in the Writ Petition and the same is liable to be dismissed.

This Court, having considered the rival contentions made by the parties, is of the considered view that the Labour Court has rightly passed orders denying back wages to the petitioner and the petitioner could not point out any grave irregularity or illegality with the orders

passed by the Labour Court. There are no merits in the Writ Petition and the Writ Petition is accordingly dismissed.

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

ABHINAND KUMAR SHAVILI, J

28th November, 2018

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