

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.25820 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 16.01.2001 passed in I.D.No.148 of 2000 by the Industrial Tribunal-II, Hyderabad, and quash or set aside the same only to the extent of denying continuity of service and back wages and consequently, to direct the 2nd respondent to grant continuity of service, back wages and attendant benefits.

Heard Sri G.Ravi Mohan, 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 initially, he was appointed as Driver in the respondent-Corporation on 19.10.1988. While discharging his duties as such, he had caused an accident, resulting death of a cyclist. Construing this incident as a misconduct, the 2nd respondent-Corporation had issued charge sheet to the petitioner on 20.01.1992 and after conducting departmental enquiry, the disciplinary authority had removed the petitioner from service *vide* proceedings dated 16.09.1992. Questioning the same, the

petitioner had filed an appeal before the appellate authority and the same was rejected. Thereafter, the petitioner preferred I.D.No.148 of 2000 before the Tribunal under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short 'the Act'). The Tribunal, while interfering with the punishment of removal on the ground of proportionality, set aside the same, directed the respondent-Corporation to reinstate the petitioner into service afresh, without continuity of service and back wages. Challenging the same, the present writ petition is filed.

Learned Standing Counsel appearing for the respondent-Corporation submits that the Tribunal in exercise of its powers under Section 11-A of the Act, has rightly passed the Award, no interference is called for and the writ petition is liable to be dismissed.

The Tribunal, by exercising its power under Section 11-A of the Act had interfered with the punishment of removal on the proportionality theory and rightly passed the Award by ordering reinstatement of the petitioner afresh without continuity of service and back wages. Hence, this Court is of the considered view that the Tribunal has not committed any illegality or irregularity in passing the Award.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

16th August, 2018
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