

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 27093 of 2003

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.196 of 1997 on the file of the 2nd respondent-Labour Court, Guntur, and quash the award dated 30.01.2003 passed therein holding it as illegal and arbitrary.

Heard Sri P. Durga Prasad, learned standing counsel for APSRTC, appearing on behalf of the petitioner, and Sri N. Ashok Kumar, learned counsel for the 1st respondent-workman.

It has been contended by the petitioner corporation that the 1st respondent was appointed as Conductor in the corporation in the year 1990. While so, he had absented from duties from 28.07.1993 to 31.08.1993 without prior intimation. The corporation construed the said conduct of the 1st respondent as misconduct and after initiating departmental proceedings, imposed punishment of dismissal from service on the 1st respondent for the proven misconduct on 12.01.1994. Questioning the same, the 1st respondent unsuccessfully preferred an appeal and a review and thereafter raised an industrial dispute before the Labour Court, Guntur, in I.D.No.196 of 1997 under Section 2-A(2) of the Industrial Disputes Act. The Labour Court, without properly appreciating the facts on record, passed an award dated 30.01.2003 directing the petitioner corporation to reinstate the

1st respondent into service with continuity of service and 50% back wages. Aggrieved thereby, the corporation filed the present writ petition.

Learned counsel for the 1st respondent had contended that the Labour Court had rightly passed the award in favour of the 1st respondent by exercising the power under Section 11-A of the Industrial Disputes Act. Therefore, no interference is called for from this Court.

This Court, having considered the submissions made by the parties and perused the record, is of the considered view that by exercising the power under Section 11-A of the Industrial Disputes Act, the Labour Court had rightly interfered with the order of punishment on the ground that no principles of natural justice were followed while conducting the enquiry against the 1st respondent, and the punishment imposed on the 1st respondent is disproportionate to the charge leveled against him. Further, no illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the award passed by the Labour Court. I find no merits in the writ petition to interfere with the impugned award.

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

21st August, 2018
cbs

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Writ Petition No. 27093 of 2003
(dismissed)

21st August, 2018

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