

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5670 of 2001

ORDER:

This writ petition is filed by the petitioner seeking writ of Certiorari calling for the records relating to and connected with I.D.No.766 of 1993 on the file of the Labour Court III, Hyderabad and quash the award 18.11.1997 passed therein insofar as denying back wages and continuity of service to the petitioner and to issue a consequential direction to grant all consequential benefits to the petitioner.

Heard Sri A.K.Jaya Prakash Rao, learned counsel for the petitioner and Sri B.Mayur Reddy, learned standing counsel for the 2nd respondent-Corporation.

It is contended by the petitioner that he was appointed as Cleaner in the year 1979 and later promoted as Helper in the year 1990. While he was working as Helper, he was absent from duty from 22.12.1989 to 6.3.1990 without intimation owing to his ill-health and domestic problems. The said absence of the petitioner was construed as misconduct by the 2nd respondent-Corporation and a charge sheet was issued to the petitioner and disciplinary proceedings against the petitioner were also initiated. After conducting a detailed enquiry, the 2nd respondent-Corporation has imposed a punishment of removal from service on 6.3.1991. Challenging the said order of removal, the petitioner has filed I.D.No.766 of 1993 before the Labour Court III, Hyderabad. The Labour Court had passed the award on 18.11.1997 holding that removal from service is too harsh and disproportionate to the

charges leveled against the petitioner, and set aside the order of removal and directed the respondents to reinstate the petitioner into service without back wages and continuity of service.

Learned counsel for the petitioner would contend that the Labour Court ought to have granted back wages and continuity of service at-least for the purpose of pensionary benefits.

Learned standing counsel appearing for the 2nd respondent-Corporation would contend that the Labour Court has interfered with the punishment of removal only on the ground of proportionality but not otherwise. Hence, no interference is called for from this Court.

This Court having considered the rival submissions of the parties is of the considered view that the Labour Court has rightly passed the award denying back wages and continuity of service to the petitioner while reinstating him into service vide its order dated 8.11.1997. Hence, there are no merits in the writ petition.

Accordingly, the Writ Petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 24/07/2018

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