

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19264 of 2003

ORDER:

This writ petition is filed by the APSRTC challenging the order passed in ID No.154 of 2000, dated 4.1.2003 by the Industrial Tribunal-cum-Labour Court and quash or set aside the same holding it as arbitrary and illegal.

2. Heard Sri A.Rama Rao, learned Standing Counsel for the respondent-Corporation contends that the 2nd respondent-workman was working as conductor and while he was discharging his duties, the 2nd respondent-workman had indulged in cash and ticket irregularities. The said conduct of the respondent-workman was construed as misconduct and the disciplinary authority has initiated the enquiry and, after conducting a detailed enquiry, has imposed a punishment of removal from service for the proven misconduct in the enquiry, vide orders dated 11.9.1999. Thereafter, the respondent-workman unsuccessfully preferred appeal and review and thereafter, filed ID No.154 of 2000 under Section 2-A(2) of Industrial Disputes Act. The Tribunal, vide orders dated 4.1.2003, was pleased to allow the ID preferred by the respondent-workman and set aside the orders of removal and directed the respondent to reinstate the petitioner into service with continuity of service and with half of the back wages. Challenging the same, the writ petition is filed.

3. The learned counsel for the petitioner contends that when there is an allegation of cash and ticket irregularities, the Labour Court ought not to

have set aside the orders of removal with continuity of service and half of the back wages and contends that atleast Labour Court ought not to have granted half of the back wages.

4. The learned counsel appearing for the respondent-workman contends that the Labour Court has rightly passed orders in favour of the respondent-workman and no illegality or irregularity has been pointed out by the petitioner in the orders passed by the Labour Court and no interference is called for and the writ petition is liable to be dismissed.

5. This Court, having considered the rival submissions made by the parties is of the considered view that the Labour Court erred in awarding 50% of the back wages to the 2nd respondent-workman. The Labour Court directed the petitioner-corporation to reinstate the 2nd respondent-workman into service with continuity of service with half of the back wages. The order of the Labour Court with regard to the granting of 50% of the back wages to the 2nd respondent-workman is set aside and the rest of the order passed by the Labour Court is confirmed. With this observation, the Writ Petition is disposed of.

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

ABHINAND KUMAR SHAVILI, J

17th December, 2018

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