

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.20980 OF 2004

ORDER :

This Writ Petition is filed challenging the orders passed by the Industrial Tribunal in I.D.No.262 of 2001, dated 19.2.2004 and quash or set aside the same by holding it as arbitrary and illegal.

2. Heard Sri A.Rama Rao, Standing Counsel for the Respondent-Corporation and Sri M.V.Pratap Reddy, the learned counsel for the respondent-workman.

3. It has been contended by the petitioner that the respondent-workman was employed as a Conductor with the petitioner-corporation. While respondent-workman has indulged in cash and ticket irregularities, the petitioner-corporation has construed the same as misconduct and initiated disciplinary proceedings and after conducting enquiry imposed a punishment of removal on 13.2.2001 and thereafter, the respondent-workman has unsuccessfully preferred appeal and review and thereafter filed I.D.No.262 of 2001 before the Industrial Tribunal-cum-Labour Court, Anantapur, under Section 2-A(2) of Industrial Disputes Act. The learned Counsel for the petitioner contends that the Labour Court allowed I.D.No.262 of 2001 vide orders dated 19.2.2004 preferred by the respondent-workman without appreciating any contentions raised by the petitioner and set aside the orders of removal and directed the petitioner to reinstate the respondent-workman into service with continuity of service with full back wages and all other attendant benefits. Challenging the same, the present Writ Petition is filed.

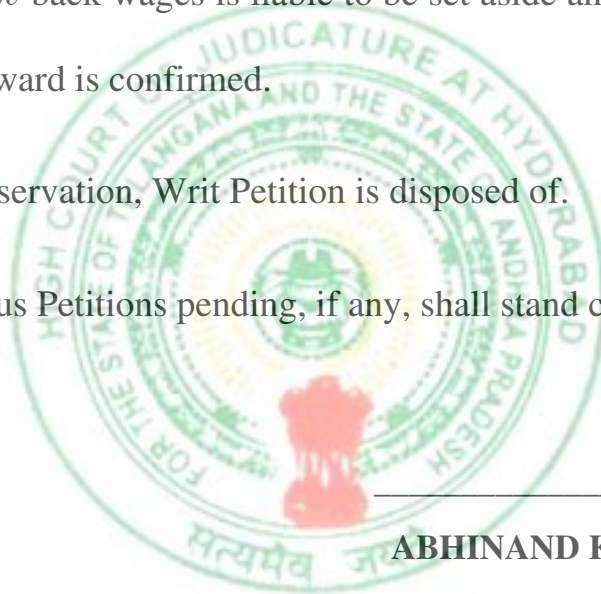
4. The learned Counsel for the petitioner contends that the Labour Court ought not to have awarded full back wages and contends that in pursuance of the

interim orders passed by this Hon'ble High Court on 17-11-2004 half of the back wages were already deposited at the time of admission and contends that back wages be confined to the amount, which was already deposited before the Hon'ble Court. The learned Counsel for the respondent-workman had agreed to forego 50% of the back wages and the rest of the award be confirmed.

5. This Court, having considered the rival submissions of the parties, is of the considered view that the Labour Court ought not to have granted full back wages and the Labour Court should have awarded 50% of the back wages. As the petitioner has already deposited 50% of the wages the award of the Labour Court about the rest of 50% back wages is liable to be set aside and accordingly set aside and the rest of the award is confirmed.

6. With this observation, Writ Petition is disposed of.

7. Miscellaneous Petitions pending, if any, shall stand closed.



ABHINAND KUMAR SHAVILI, J

14th December, 2018

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