HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 6317 OF 2004

ORDER :

This Writ Petition is filed seeking to issue a Writ of Certiorari to call for the records connected with I.D.No.55 of 1998 and quash the Award dated 22.2.2001 passed by the Industrial Tribunal-cum-Labour Court in so far as denying the back wages and imposing a punishment of stoppage of two increments with cumulative effect. A consequential direction is also sought to direct the respondents to pay back wages with all consequential benefits.

2. Heard Mr.V.Narsimha Goud, the Counsel for the petitioner and Mr.N.Vasudeva Reddy, the Standing Counsel for the respondent-Corporation.

3. It has been contended that the petitioner was appointed as Conductor during the year 1991 and while he was discharging his duties, he was indulged in grave irregularity and the respondents have initiated disciplinary proceedings and after conducting a detailed enquiry, the disciplinary authority had imposed punishment of removal from service on the petitioner for proven misconduct through order dated 31.1.1997. Thereafter, the Appeal and the review preferred by the petitioner were also rejected. Aggrieved by the same, the petitioner had preferred I.D.No.55 of 1998 under 2-A (2) of the Industrial Disputes Act. The said I.D. was allowed in part, by orders dated 22.2.2001 setting aside the orders of removal and denying back wages and imposing punishment of stoppage of two increments with cumulative effect. Challenging the orders of the Industrial Tribunal, the present Writ Petition is filed.

4. It has been contended by the Counsel for the petitioner that the respondents ought to have exercised their powers under Section 11-A of the Industrial Disputes Act and imposed the punishment on the petitioner. The Counsel for the petitioner further contended that the Labour Court gave a finding that the charges, leveled against the petitioner, were not proved and in spite of such a finding, the release of back wages and other benefits were erroneously denied by the Labour Court and contended that appropriate orders be passed by setting aside the orders dated 22.2.2001 to the extent of denying back wages and imposing the punishment of two increments with cumulative effect.

5. The Standing Counsel for the respondents-Corporation had contended that the Labour Court has rightly passed the orders for the proven misconduct and no illegality has been committed by the disciplinary authority and the punishment of denial of back wages and imposing the punishment of stoppage of the increments with cumulative effect is illegal and hence the Writ Petition is liable to be dismissed.

6. This Court, having considered the submissions made by both the parties is of the considered view that the Labour Court has rightly passed orders, denying the back wages and imposing the punishment of stoppage of two increments with cumulative effect. Moreover, the petitioner has also attained the age of superannuation. In view of the same, there are no merits in the Writ Petition and the Writ Petition is dismissed.

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

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ABHINAND KUMAR SHAVILI, J

27th November, 2018

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