

THE HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.6817 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to I.D.No.361 of 1994, dated 30.07.2001, passed by the Labour Court, Guntur, and quash the same.

2. Heard Sri S. Ravindranath, learned Standing Counsel for the petitioner and the learned Government Pleader for Labour and Sri Ch. Sudhakar Babu, learned counsel for the 2nd respondent.

3. The case in brief is that the 2nd respondent was appointed as Helper in 1961 in the petitioner Department. While the 2nd respondent was working as Helper, he was absented himself unauthorizedly from 04.08.1991 and the said act of the 2nd respondent was construed as misconduct and therefore, he was terminated from service vide Board's proceedings dated 03.09.1992 in terms of the Board's Standing Orders under Regulation 28(3). Challenging the same, the 2nd respondent had filed I.D No.361/ 1994 under Section 2-A (2) of the Industrial Disputes Act. The Tribunal had passed Award on 30.07.2001 holding that the removal order dated 03.09.1992 is not valid on the ground that no enquiry was conducted, and set aside the removal order and directed reinstatement of the 2nd respondent into service with continuity of service but with 50% of back-wages, by exercising the powers under Section 11-A of the Industrial Disputes Act.

4. Learned counsel for the petitioner contends that the Labour Court was conscious of the fact that there was delay by the 2nd respondent in approaching the Labour Court for filing the ID and on that ground the Labour Court had to reject the ID.

5. This Court, having considered the said submissions, has come to a conclusion that the Labour Court was conscious of the fact that there was a delay by the 2nd respondent in approaching the Labour Court and hence, denied 50% of the back-wages to the 2nd respondent. No irregularity was pointed out by the petitioner in the Award passed by the Labour Court and that the Labour Court has rightly exercised its power under Section 11 (A) of the Industrial Disputes Act and passed the Award in favour of the 2nd respondent. There are no merits in the writ petition.

6. Accordingly, the Writ Petition is dismissed. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed.

ABHINAND KUMAR SHAVILI, J

August 10, 2018

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