

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.5635 OF 2001

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus setting aside G.O.Rt.No.2453, Women Development Child Welfare (Lab.I) Department, dated 28.12.1989, through which I.D.No.63 of 1987, dated 4.11.1989 on the file of the Labour Court-cum-Industrial Tribunal, Warangal, was published, insofar as denial of back wages are concerned and consequently to direct the respondents to pay all back wages and attendant benefits to the petitioner with effect from 30.03.1983.

Heard Sri B.Sudhakar Reddy, learned counsel appearing for the petitioner and Sri B.Mayur Reddy, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that he was appointed as Conductor in the respondent-Corporation and while he was conducting the bus on 1.9.1982, a check was conducted and the checking officials found that the petitioner has indulged in cash and ticket irregularities. The respondent-Corporation has construed the same as a misconduct and initiated disciplinary action against the petitioner and thereafter, removed him from service vide order dated 30.03.1983. Aggrieved by the same,

the petitioner preferred an appeal and the appellate authority has rejected the appeal vide order dated 24.4.84. Challenging the rejection of the appeal and the removal order, the petitioner had filed I.D.No.63 of 1987 before the Industrial Tribunal-cum-Labour Court, Warangal. The Tribunal *vide* order dated 4.11.1989 passed the Award holding that the punishment imposed by the respondent-Corporation was shockingly disproportionate to the charges levelled against the petitioner and by exercising the powers under Section 11-A of the Industrial Disputes Act, set aside the removal order and directed the respondent-Corporation to reinstate the petitioner with continuity of service, but without back wages.

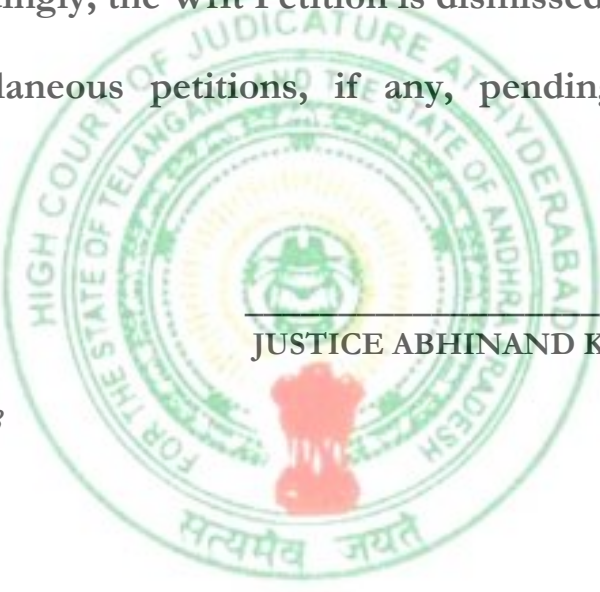
Learned Standing Counsel appearing for the respondent-Corporation would contend that the Tribunal has rightly denied the back wages to the petitioner and set aside the order of removal only on the ground of proportionality, but not merits of the case.

From the material on record, it is obvious that the charge leveled against the petitioner has been established. However, only on the ground of denial of principles of natural justice and on the principle of disproportionate punishment, the Tribunal has interfered with the order of removal, while denying the back wages to the petitioner.

Having considered the rival submissions made by the learned counsel appearing for the parties, this Court is of the considered view that the petitioner, who was removed from service in the year 1983, belatedly filed I.D.No.63 of 1987 challenging the order of removal. On this Count, the Tribunal has rightly denied the back wages to the petitioner. There are no merits in this writ petition and the same is liable to be set aside.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

22nd June, 2018
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