

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 4351 of 2003

O R D E R:

This writ petition is filed seeking to issue a writ of *Mandamus* declaring the action of respondent No.2 in passing the order dated 31.12.1999 as illegal and arbitrary.

It is stated that respondent No.1-workman was employed as Conductor in the Corporation and while he was working in Mancherial Depot, on 13.11.1984 when he was conducting a Bus bearing No.1913 from Chandrapur to Rajura, a check was conducted and found a cash and ticket irregularity. Treating it as a misconduct, the Corporation initiated domestic enquiry against respondent No.1-workman and the disciplinary authority by proceedings dated 21.1.1985 imposed punishment of deferment of annual increment for a period of three years with cumulative effect. Questioning the same, after lapse of more than thirteen years, respondent No.1 filed PWC No.3 of 1998 before respondent No.2 under Section 15(2) of Payment of Wages Act, 1936. The Authority under Payment of Wages Act, by order dated 13.12.1999, partly allowed the application holding that the

deductions made pursuant to the punishment order dated 21.1.1985 were directed to be paid to respondent No.1-workman. Aggrieved by the same, the Corporation filed the present writ petition.

Heard learned Standing Counsel for petitioner-Corporation and learned Government Pleader for Labour appearing for respondent No.2 and perused the material on record.

Learned counsel for petitioner-Corporation would contend that the Authority under Payment of Wages Act illegally and arbitrarily entertained PWC after a lapse of 13 years of passing of the punishment order dated 21.1.1985 by the Corporation and exceeded its jurisdiction in entertaining the same, as the Authority can entertain the complaint only for denial of wages but not in case of denial of wages as a measure of punishment for the proven misconduct against the employee and therefore, the Corporation has rightly imposed punishment to respondent-workman.

This Court finds force in the contention of learned Standing Counsel appearing for petitioner-Corporation on the point that the Authority under Payment of Wages Act had no jurisdiction to

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entertain the complaint in case of punishment imposed on the workman and the impugned order is liable to be set aside.

Accordingly, the writ petition is allowed and the order dated 31.12.1999 passed in PWC No. 3 /1998 by respondent No.2 is hereby set aside. No costs.

Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

17th December, 2018
Mji/ *

ABHINAND KUMAR SHAVILI, J

