THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.NO.25543 OF 2011

ORDER

Aggrieved by the award dated 24.01.2011 passed by the Industrial Tribunal – cum – Labour Court, Anantapur in I.D.No.84 of 2008 in denying back wages, the petitioner – workman of the respondent – Corporation, filed the present writ petition.

Learned counsel for the petitioner, contended that the Tribunal having set aside the impugned order of termination, is not justifying in denying back wages and, therefore, he sought for a direction to grant back wages.

On the other hand, learned Standing Counsel for the 1st respondent – Corporation supporting the impugned order, contended that the Tribunal on the principle of 'no work no pay' denied back wages and hence the same may not be interfered with.

From the material on record, it could be seen that the petitioner was working as Conductor in the respondent – Corporation and on the charges of unauthorized absence from duty, by framing appropriate charges and conducting inquiry in compliance of principles of natural justice, Corporation terminated him from service. On unsuccessfully availing the remedies of in-house appeal and review, petitioner preferred I.D., and by the impugned award, the Tribunal set aside the punishment of removal.

It is to be seen that the Tribunal has not set the impugned order of termination on the ground that charges are not proved. It only found that

the punishment imposed was excessive vis-à-vis the misconduct proved and, therefore, in exercise of discretionary jurisdiction under Section 11-A of the Industrial Disputes Act, I 1947, set aside the orders of removal dated 15.11.2007 and further noticing the fact that the petitioner attained the age of superannuation, directed the respondent – Corporation to treat the petitioner retired while on service and to pay all the retirement benefits on par with the serving employees. However, on the principle of 'no work no pay' refused to grant back wages. In view of these circumstances and more so, when the Tribunal grated the relief in exercise of jurisdiction under Section 11-A, of the Act, I do not find any illegality or irregularity in the impugned award denying back wages.

The writ petition is devoid of any merits and the same is accordingly dismissed.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

ABHINAND KUMAR SHAVILI,J

DATE:26—10—2018

AVS