

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.NO.22882 OF 2004

ORDER

Aggrieved by the award dated 20-07-2004 passed by the Industrial Tribunal cum Labour Court, Godavarikhani in I.D.No.93 of 2003 in directing the petitioner – Andhra Pradesh State Road Transport Corporation (for short 'the Corporation'), to reinstate the 1<sup>st</sup> respondent – workman into service afresh with fifty per cent back wages from the date of filing of the petition till date of the award, the present writ petition is filed.

Heard Smt. D.Radhika, the learned Standing Counsel for the petitioner – Corporation and the learned Government Pleader for Labour for the 2<sup>nd</sup> respondent.

From the material on record, it could be seen that the petitioner, while performing his duties as conductor in the respondent – Corporation, was subject to check on 25.11.2001 and was alleged to have committed cash and ticket irregularities and after issuing charge sheet and conducting inquiry in compliance with the principles of natural justice and considering the report of the inquiry officer and subsequently considering the explanation of the petitioner to the final show cause notice, was removed from service on 22.05.1982. Challenging the same, the workman raised the above referred industrial dispute. The Tribunal, by the impugned award, directed reinstatement of the petitioner into service afresh with fifty per cent back wages.

A perusal of the impugned award goes to show that the Tribunal, appreciating the entire both oral and documentary, upheld the finding of the inquiry officer with regard to the guilt of the petitioner, but however, having regard to the facts and circumstances of the case, and in exercise of discretionary jurisdiction under Section 11-A of the Industrial Disputes Act, 1947

(for short 'the Act'), found that the punishment imposed was disproportionate to the proved misconduct and hence directed reinstatement of the petitioner into service afresh with fifty percent of back wages.

Learned Standing Counsel for the petitioner – Corporation has not pointed out any illegality or irregularity in exercise of discretionary jurisdiction by the Tribunal under Section 11-A of the Act. Therefore, the impugned award does not warrant any interference and the writ petition is devoid of any merit and the same is accordingly dismissed.

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

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ABHINAND KUMAR SHAVIL, J

DATE: 17—12—2018

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