

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.26902 OF 2008

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking to issue writ of Certiorari calling for the records connected to I.D.No.39 of 2007, dated 18.06.2008 passed by the Labour Court-III, Hyderabad and quash the same.

2. Heard Sri B.Mayur Reddy, learned standing counsel for the petitioner and Sri P.Venkateswara Rao, learned counsel for the 1st respondent.

3. It has been contended by the learned counsel for the petitioner that the 1st respondent was appointed as casual conductor during October, 1991 and later on, his services were regularized. While the 1st respondent was conducting the bus during November, 2005, he has indulged in cash and ticket irregularities and the petitioner-corporation has construed the said conduct of the 1st respondent as misconduct and initiated disciplinary proceedings. After conducting regular enquiry, the disciplinary authority was pleased to impose punishment of removal from service for the proven misconduct in the enquiry on 05.05.2006. Thereafter, the 1st respondent was unsuccessful in the appeal and review. Thereafter, the 1st respondent preferred I.D.No.39 of 2007 before the Labour Court under Section 2-A (2) of the Industrial Disputes Act, 1947. The Labour Court, vide orders, dated 18.06.2008 was pleased to pass orders in favour of the 1st respondent by setting aside the order of removal and directed the petitioner-corporation to reinstate the 1st respondent into service with continuity of service with full back wages. Challenging the same, the present writ petition is filed.

4. It has been contended by the learned counsel for the petitioner that the Labour Court ought not to have interfered with the orders of removal and the disciplinary authority has rightly imposed punishment of removal from service for the proven misconduct in the enquiry and the Labour Court ought not to have allowed the I.D. preferred by the 1st respondent by granting full back wages.

5. Learned counsel for the 1st respondent contended that the Labour Court had rightly passed the orders in favour of the 1st respondent and the 1st respondent was reinstated in pursuance of the orders passed by the Labour Court. At this point of time, this Court should not interfere with the orders of the Labour Court more so, when no illegality or irregularity has been pointed out in the orders passed by the Labour Court.

6. This Court having considered the rival contentions made by both parties, is of the considered view that the Labour Court has rightly set aside the orders passed by the Labour Court. However, while exercising the powers under Section 11-A of the Industrial Disputes Act, 1947, the Labour Court ought not to have granted full back wages. Therefore, ends of justice would be met if 50% of back wages are paid to the 1st respondent by the petitioner.

7. Accordingly, the writ petition is disposed of. Rest of the award passed by the Labour Court is confirmed. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

DATED:12-10-2018

Hsd

