

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITON No. 27463 of 2003

ORDER:

The present writ petition is filed seeking *Certiorari* calling for records pertaining to the Award dated 04.07.2003 passed in ID No.221/2000 on the file of the 1st respondent and quash the same as illegal and arbitrary.

2. The brief facts of the case are that respondent No.2-workman was appointed as Driver in the year 1996 and while he was working as such at Adoni, he fell sick; that the Medical Officer refused to issue Medical Certificate; that allegedly respondent No.2-workman misbehaved with the staff members and that the same was treated as misconduct and thereby, petitioner-Corporation initiated disciplinary proceedings against him. After conducting regular enquiry and basing on the preliminary report, a charge sheet dated 16.11.1999 was issued by framing certain charges against the respondent No.2-workman. By Proceedings dated 30.06.2000, he was removed from service. Challenging the same, the respondent No.2-workman preferred an appeal and became unsuccessful. Aggrieved by the same,

respondent No.2 - workman raised an Industrial Dispute in ID No.221/2000 before the respondent No.1- Labour Court under Section 2-A-2 of the Industrial Disputes Act, 1947, wherein the Presiding Officer by impugned Award dated 04.07.2003 set aside the order of removal dated 30.06.2000 and directed the petitioner-Corporation to reinstate the workman into service with continuity of service, attendant benefits and with half of the backwages and as a measure of punishment, to defer two annual increments with cumulative effect. Aggrieved by the same, the present writ petition is preferred by the petitioner-corporation.

3. Heard Sri A.Rama Rao, learned Standing Counsel for petitioner-Corporation and Sri G.Ravi Mohan, learned counsel for respondent No.2-workmen and the learned Government Pleader for Labour.

4. The learned counsel for the petitioner-corporation would contend that the respondent No.1 without appreciating any of the contentions raised by the petitioner-corporation, in a mechanical way passed the impugned Award in favour of the respondent No.2-workman and at any rate, no reasons were assigned for awarding

half of the backwages and therefore, the impugned order is liable to be dismissed.

5. The learned Standing Counsel for the respondent No.2-workman contended that the respondent No.1- Tribunal has rightly passed the order impugned and accordingly, 25% of the backwages were already paid and the balance 25% of the backwages are yet to be paid to respondent No.2-workman.

6. Perused the material on record as well as the impugned order.

7. As seen from the impugned order, the Labour Court having taken a lenient view against respondent No.2-workman, held that charge No.1 proved and as a measure of punishment, imposed the penalty of deferment of two increments with cumulative effect.

8. Having heard the rival contentions of the counsel appearing for both the parties, and considering the case of the respondent No.2-workman, this court is of the considered view that ends of justice would be met if the impugned order is modified limiting the backwages to the extent of only 25%, which the petitioner-Corporation has already paid to respondent No.2-workman and confirming the rest of the impugned order passed by the Labour Court.

9. With the above observations, the writ petition is disposed of.
costs. Miscellaneous Petitions, if any, pending in this writ Petition
shall stand closed.

05th September, 2018
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ABHINAND KUMAR SHAVILI, J



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