

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 1114 of 2003

ORDER:-

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to the Award dated 08.08.2001 in I.D.No. 181 of 1999 passed by the Labour Court-III, Hyderabad and quash the same insofar as denying continuity of service, attendant benefits and back-wages is concerned, as the same is illegal and arbitrary.

Heard Sri G. Ravi Mohan, learned counsel for the petitioner and Sri A Ravi Babu, learned Standing Counsel for A.P.S.R.T.C. appearing on behalf of the 2nd respondent and perused the material placed on record.

The brief facts of the case are that the petitioner was initially appointed as Conductor in the respondent – Corporation on 23.03.1997. While the petitioner was conducting bus on 07.03.1998, checking officials of the Corporation conducted sudden check and found that the petitioner had indulged in cash and ticket irregularities. The respondent – Corporation has construed the petitioner's conduct as misconduct and issued charge sheet on 12.03.1998. After conducting a detailed enquiry, the respondent – Corporation imposed punishment of removal from service by proceedings dated 10.06.1988. Subsequently, the petitioner

unsuccessfully preferred an appeal and review. Thereafter, she filed I.D.No. 181 of 1999 under Section 2A(2) of the Industrial Disputes Act, 1947, and the Labour Court, by order dated 08.08.2001 passed the impugned Award setting aside the order of removal and directed that the petitioner be appointed as fresh Conductor without continuity of service, attendant benefits and back-wages. Challenging the same, the present writ petition is filed.

The learned Standing Counsel for the respondent-Corporation has contended that the Labour Court, while exercising its power under Section 11-A of the Act, has rightly modified the punishment of removal from service to that of fresh appointment as conductor and the impugned award does not warrant any interference by this Court.

This Court, having considered the rival contentions of both the parties is of the opinion that the Labour Court was justified in interfering with the order of removal of the petitioner from service on the ground of proportionality, however it ought to have exercised its power of extending benefits of previous service only for the purpose of terminal benefits.

In view of the above discussion, the services rendered by the petitioner from 1997 to 2001 shall be counted for the purpose of terminal benefits. It is made clear that earlier

service rendered by the petitioner will not be counted for the purpose of continuity of service, back-wages and other attendant benefits.

With these observations, the writ petition is disposed of.
No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

ABHINAND KUMAR SHAVILI, J

24-08-2018

bcj

