

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7747 of 2005

ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the Award, dated 16.07.2004, passed in I.D. No.9 of 2002 by respondent No.2 - Labour Court-I, Hyderabad, as illegal and arbitrary.

2. Heard learned standing counsel for the petitioner, and learned Government Pleader for Labour.

3. The learned standing counsel would contend that the Labour Court ought to have seen that the enquiry officer followed the principles of natural justice and submitted the enquiry report that the charge is proved against the 1st respondent and in the appeal and review petition filed by him, the award passed by the disciplinary authority is confirmed; that the Labour Court ought to have seen that for non-collection of fare and non-issuance of tickets is nothing but dereliction of duties on the part of the 1st respondent; and that therefore, the Labour Court ought not to have granted 25% of back wages, and contended that at least to the extent of granting 25% of back wages be set aside.

4. Having considered the submission made by the learned standing counsel appearing for the petitioner, this Court is of the considered view that respondent No.2 ought not have granted 25% of the back wages to respondent No.1 - workman.

5. With the above observation, the present Writ Petition is allowed in part, and the Award, dated 16.07.2004, passed by respondent No.2 in I.D. No.9 of 2002, to the extent of granting 25% of back wages to respondent No.1, is hereby set aside, while confirming rest of the Award. However, in the circumstances of the case, there shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present writ petition stand closed.

19th December, 2018
cbs

ABHINAND KUMAR SHAVILI, J



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WRIT PETITION No.7747 of 2005
(disposed of)

19th December, 2018

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