

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.NO.30621 OF 2011

O R D E R

Aggrieved by the award dated 13-12-2010 passed by the Labour Court – II, Hyderabad in I.D.No. 72 of 2009, in denying back wages, the petitioner – workman of the respondent – Corporation, filed the present writ petition.

Heard the learned counsel for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel for the 2nd respondent – Corporation.

From the material on record, it could be seen that the petitioner was working as Conductor in the respondent – Corporation and on the charges of unauthorized absence from duty, by framing appropriate charges and conducting inquiry in compliance of principles of natural justice, Corporation terminated him from service. On unsuccessfully availing the remedies of in-house appeal and review, petitioner preferred I.D., and by the impugned award, the Labour Court, directed reinstatement with continuity of service, but without back wages and attendant benefits. The Corporation was also directed to withhold one annual increment without cumulative effect.

It is to be seen that the Tribunal, on appreciation of the entire evidence, has confirmed the finding of the inquiry officer with regard to guilt of the petitioner for unauthorized absence. However, based on the facts and circumstances, it found that the punishment of removal from service was disproportionate to the misconduct proved. Therefore, in exercise of discretionary jurisdiction under Section 11-A of the Industrial Disputes Act, 1947, the Labour Court, granted the relief of reinstatement

without back wages, but with continuity of service and also ordered for withholding of one increment without cumulative effect.

Having regard to the facts and circumstances of the case, I do not find any illegality or irregularity in the impugned award passed by the Labour Court in exercise of jurisdiction under Section 11-A of the Act, in denying back wages.

The writ petition is devoid of any merits and the same is accordingly dismissed.

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

DATE: 26—10—2018

AVS



ABHINAND KUMAR SHAVILI, J