

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos.24424 & 28042 OF 2013

COMMON ORDER:

1. Since the award impugned in both the writ petitions and the parties are one and the same, both the writ petitions are heard together and are being disposed of by this common order.

2. W.P.No.24424 of 2013 is filed by the petitioner-Corporation challenging the award dated 31.5.2012 passed by the 2nd respondent-Labour Court in I.D.No.116 of 2011, whereas W.P.No.28042 of 2013 is filed by the workman challenging the very same award.

3. For the sake of convenience, the status of the parties arrayed in W.P.No.24424 of 2013 is hereinafter referred to.

4. Heard the learned Standing Counsel for the petitioner-Corporation and Sri S.M. Subhan, learned Counsel for the workman.

5. It is the case of the petitioner-Corporation that the workman was appointed as conductor in the Corporation and while he was working as such, on the allegation of unauthorized absence, charge sheet was issued to him, and thereafter, after following the procedure, the disciplinary authority removed the workman from service. The appeal preferred by the workman

was rejected. Then, the workman filed review. The reviewing authority set aside the removal order and directed the Corporation to re-appoint the workman as fresh conductor. Aggrieved by the same, the workman approached the Union and the Union filed the above I.D. before the Labour Court. The Labour Court vide award dated 31.5.2012 allowed the I.D. in part as follows:

“The punishments awarded by the Regional Manager, Kurnool, vide proceedings No.PA/19(68)/98-RM.KNL dated 5.10.1998 as fresh Conductor is unjust and the same is modified. In the circumstances, the past service of the workman is restored and the rest of the punishment is unaltered. The workman is entitled for notional benefits from 5.10.1998 to the date of passing of the award. From the very next date of passing of the award, the workman is entitled for monetary benefits.”

Aggrieved by the above order of reinstatement of the workman into service with continuity of service and attendant benefits, the Corporation filed W.P.No.24424 of 2013, whereas aggrieved by denial of full back wages, the workmen filed W.P.No.28042 of 2013.

6. Learned Standing Counsel for the petitioner-Corporation has contended that the misconduct of the workman is contrary to the regulations of APSRTC and the workman is not entitled to the relief granted by the Labour Court and that the Labour Court failed to see the nature of misconduct and that the Labour Court failed to give reasons to interfere with the

punishment imposed by the disciplinary authority and therefore, award impugned warrants interference.

7. The learned Counsel for the workman contended that the Labour Court has rightly passed the award impugned, but however, while granting the relief in favour of the workman, denied wages for the removal period and therefore, appropriate orders may be passed granting wages for the removal period.

8. This Court, having considered the submissions made by both the Counsel, is of the considered view that when once the Labour Court had exercised the power under Section 11-A of the Industrial Disputes Act, unless and until any illegality or irregularity is pointed out by either of the Counsel in the award passed by the Labour Court, this Court cannot interfere with the award. There are no merits in the writ petitions.

9. Accordingly, both the Writ Petitions are dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

12th December, 2018
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12.12.2018

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