

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 11027 of 2002

ORDER:-

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to the Award dated 05.02.2001 in I.D.No. 1 of 1993 passed by the Labour Court, Guntur and quash the same holding it as illegal and arbitrary and further direct the 2nd respondent to reinstate the petitioner into service with all consequential benefits.

Heard Sri P. Prabhakar Rao, learned counsel for the petitioner and Smt. V. Umadevi, learned Standing Counsel for the 2nd respondent – Corporation and perused the material placed on record.

The brief facts of the case are that the petitioner - workman was initially appointed in the Transport Department of the 1st respondent – K.C.P. Sugar & Industries Corporation Limited, on 07.01.1986. While he was discharging his duties in October, 1992, he was asked to clean the machinery and when he insisted on providing equipment and safety clothing to clean the machinery, the 2nd respondent treated it as misconduct and insubordination and proceeded against the petitioner by way of issuing disciplinary proceedings. After conducting enquiry, the 2nd respondent, by order dated 07.10.1992 dismissed the petitioner from service. Being

aggrieved by the same, the petitioner raised an industrial dispute in I.D.No. 1 of 1993 under Section 2-A(2) of the Industrial Disputes Act, 1947, and the Labour Court, by the impugned Award, dismissed the I.D. Challenging the same, the present writ petition is filed.

The learned counsel for the petitioner contends that the petitioner has not conducted any misconduct and he insisted on providing proper equipment to clean the machinery and this conduct can never be construed as misconduct, and the management, without following the procedure, dismissed him from service arbitrarily and illegally. It is the case of a poor workman.

The learned Standing Counsel contends that the management conducted regular enquiry and only based on the proven misconduct, the order of dismissal has been passed, and the disciplinary authority has rightly imposed punishment of dismissal, and the Labour Court, while exercising its power under Section 11-A of the Act, has not interfered with the order of the 2nd respondent, and the writ petition is liable to be dismissed.

It is further pleaded by the learned counsel for the petitioner that in the entire career of the workman, there was no allegation of any misconduct, more so, any subordination, however the 2nd respondent, based on the single charge,

imposed major punishment of dismissal from service which is unwarranted.

On the previous occasion, after advancing arguments for sometime, it was proposed by the parties that the issue can be resolved by putting a word to the management to grant some compensation to the petitioner in lieu of reinstatement. Today, on instructions, the learned Standing Counsel has reported that the management is willing to pay a sum of Rs.1.00 lakh as compensation in lieu of reinstatement.

Having considered the rival submissions of both the parties, this Court feels that ends of justice would be met if an amount of Rs.2.00 lakhs is paid to the petitioner by the 2nd respondent in lieu of reinstatement.

Accordingly, the writ petition is disposed of directing the 2nd respondent – Corporation to pay a sum of Rs.2.00 lakhs to the petitioner in lieu of his reinstatement into service, within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs.

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

ABHINAND KUMAR SHAVILI, J

29.08.2018

bcj