

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16178 of 2002

ORDER :

This writ petition is filed seeking *Writ of Certiorari* calling for the records relating to and connected with I.D.No.221 of 1994, dated 11.12.2000 on the file of Labour Court, Guntur and to quash the same and to direct the second respondent to treat the service of the petitioner from the date of suspension till the date of reinstatement i.e., 6.9.2001 as Driver with continuity of service, with all consequential benefits and to issue a consequential direction to pay arrears from the date of suspension till the date of reinstatement including full back wages to the petitioner.

Heard Sri P.Govinda Rajulu, learned counsel for the petitioner, Sri P.Durga Prasad, learned Standing Counsel for APSRTC and learned Government Pleader for Labour.

It is contended by the petitioner that he was initially appointed as Cleaner on 7.12.1968 and subsequently he was appointed as Driver on 2.5.1975. While working as such, he had misbehaved with superior Officers. The 2nd respondent had issued a charge sheet dated 27.6.1984 framing three charges against the petitioner and had issued suspension orders dated 27.6.1984. Thereafter, an Enquiry Officer had been appointed, who had submitted his report dated 19.12.1984 holding that the charges had been proved. After issuing a show cause notice dated 26.12.1984, the 2nd respondent had finally issued proceedings dated 9.1.1985 imposing the punishment of reversion from the post of Driver to the post of Cleaner by fixing his salary

which was drawn, while he was working in the post of Cleaner and directed to treat the suspension period as leave on duty. The same had been confirmed by the 1st respondent by order dated 22.12.1986. Challenging the same, the petitioner filed I.D.No.221 of 1994 invoking the provisions under Section 10-1(C) of the Industrial Disputes Act, 1947 and the Labour Court by the impugned Award held that the reversion to the post of Cleaner is not justified. However, while granting consequential relief, the Labour Court did not grant difference of wages from the date of reversion till the date of Award. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner would contend that when once the Labour Court had passed orders that the reversion to the post of Cleaner is not justified and the said orders are in force, the respondents ought to have granted back wages and also difference of wages.

Learned Standing Counsel appearing for the respondents would contend that the Labour Court had rightly passed the orders dated 11.12.2000 and the same had been implemented by the respondents and when the Labour Court had passed orders, until and unless, some irregularity is pointed out in the said orders, the orders passed by the Labour Court could not be modified or interfered with.

This Court, having considered the rival submissions of both the parties, is of the considered view that the Labour Court has rightly passed award in I.D.No.221 of 1994, dated 11.12.2000 denying difference of wages to the post of Driver. As the disciplinary authority held the charges as proved, the respondents had imposed the punishment of reversion against the petitioner from the post of Driver to the post of Cleaner. Therefore, the

Labour Court had rightly given a finding that the order of reversion of the petitioner to the post of Cleaner is not justified, but however, declined to grant difference of wages and back wages to the petitioner, while continuing the petitioner in the post of Driver vide order dated 12.12.2000. Hence, the writ petition is devoid of merits.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 05.09.2018
Slk



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Dated: 05.09.2018

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