

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT APPEAL NO.1607 of 2018

JUDGMENT: (per SK,J)

The officials of the erstwhile Andhra Pradesh State Road Transport Corporation in Mahaboobnagar District, presently under the control of the Telangana State Road Transport Corporation (TSRTC), are in appeal against the order dated 04.10.2018 passed by a learned Judge of this Court in W.P.No.26944 of 2008. The said writ petition was filed by them assailing the Award dated 03.04.2008 passed by the Labour Court-III, Hyderabad, in I.D.No.89 of 2006 to the extent it awarded 50% back wages to the first respondent-Conductor. By the order under appeal, the learned Judge observed as under:

‘6. Having heard the rival contentions of both the counsel, and considered the case of respondent No.1-workman sympathetically, this court is of the considered view that ends of justice would be met, if the impugned order is modified limiting the back wages to the extent of 25% instead of 50%. Rest of award passed by respondent No.2 stands unaltered.’

It is not in dispute that the Labour Court held that the charge against the first respondent-Conductor was partly proved. Further, the charge involved short remittance of the fares collected by the first respondent-Conductor thereby reflecting adversely upon his integrity. In such circumstances, the award of 50% of the back wages by the Labour Court had to be examined on its merits but the learned Judge deemed it appropriate to interfere in the matter on purely sympathetic grounds without citing any other justification therefor. Needless to state, sympathy can be extended by the Court only within the four corners of the law. It is

not open to the Court to exercise discretion on subjective sympathetic considerations as has been done by the learned Judge.

In that view of the matter, we set aside the award of back wages to the first respondent-Conductor in their entirety.

The writ appeal is allowed to that extent. The Award dated 03.04.2008 passed by the Labour Court-III, Hyderabad, in I.D.No.89 of 2006 shall stand modified accordingly.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date:04.12.2018

GJ



SANJAY KUMAR,J

M.GANGA RAO,J