

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 18270 of 2019

ORDER:

In this writ petition, the petitioner challenges the Award dated 16.04.2019 passed by the Presiding Officer, Labour Court-I, Hyderabad in I.D. No.5 of 2017.

The case of the petitioner is that the respondent herein was engaged as Conductor; that on 29.10.2015, he was issued a Charge Memo alleging certain cash and ticket irregularities; that in the domestic enquiry, the charges were held proved and he was removed from service; that aggrieved by the same, the respondent filed the above said I.D. and that in the Award, the Labour Court held that though the enquiry was conducted in a fair and proper manner by following the principles of natural justice, on consideration of the material on record, it found that on the crucial date, when the respondent was issuing tickets, TIM (Ticket Issuing Machine) was struck up and this aspect was not accepted by the Enquiry Officer and the respondent had also lodged a complaint about non-functioning of the TIM and that there was no explanation from the Corporation with respect to this critical aspect and by exercising its discretion under Section 11-A of the Industrial Disputes Act (for short 'the Act'), modified the punishment of removal to reinstatement into service without back wages from the date of suspension till the date of reinstatement.

It may be noted that the Labour Court exercised its discretion under Section 11-A of the Act and modified the punishment of removal to reinstatement without back wages from the date of suspension till the date of reinstatement. Therefore, the discretion exercised by the Labour Court cannot be found fault with in the facts and circumstances of the present case. Therefore, this Court is not inclined to see any ground to entertain the writ petition.

The writ petition is accordingly dismissed.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed. There shall be no order as to costs.

Dt:23.08.2019

kdl

CHALLA KODANDA RAM, J

