

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

W.P.No.41050 of 2016

ORDER

This writ petition is filed seeking the following relief:

“.....to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari calling for records relating to the Award in I.D.No.24/ 2014 dated 16.06.2016 on the file of the Labour Court-I, Hyderabad which was published in the Gazette vide G.O.Rt.No.546 dated 28.07.2016 and quash the same as arbitrary, illegal and without jurisdiction”.

2. Heard Sri N.Vasudeva Reddy, learned counsel appearing for the petitioners and Sri A.K.Jayaprakash Rao, learned Senior counsel for the 1st respondent.

3. It has been contended by the petitioners' Corporation that the 1st respondent was appointed as a Conductor and while discharging his duties, he was involved in cash and ticket irregularities and the said conduct of the 1st respondent was construed as misconduct and the disciplinary authority, after conducting enquiry, had imposed the punishment of removal vide order dated 05.06.2013. Thereafter, the 1st respondent has unsuccessfully preferred appeal and revision and thereafter, filed I.D.No.24 of 2014 under Section 2-A(2) of the I.D.Act and the Labour Court vide order dated 16.06.2016 was pleased to allow the I.D. preferred by the 1st respondent and set aside the order of dismissal holding that the 1st respondent is entitled for full back wages. Challenging the same, the present writ petition is filed.

4. Learned counsel appearing for the petitioners' Corporation has contended that the Labour Court has passed the impugned order mechanically without appreciating the fact that the enquiry was held validly and every opportunity was given to the 1st respondent. The disciplinary authority has imposed the punishment of removal for the proven misconduct in the enquiry and none of these facts are taken into account and except recording that the charges are not proved and based upon such finding, the Labour Court has interfered with the punishment. Therefore, the learned counsel appearing for the petitioners submits that the impugned order passed by the Labour Court is liable to be set aside.

5. Learned Senior counsel appearing for the 1st respondent has contended that pursuant to the order passed by the Labour Court, the 1st respondent was reinstated into service on 09.12.2016 and presently the 1st respondent is discharging his duties to the best satisfaction of his superiors and everyone concerned. So far as awarding of back wages is concerned, the learned Senior counsel appearing for the 1st respondent has contended that the 1st respondent is willing to forego 50% of the wages and in order to give quietus to this litigation, let the award passed by the Labour Court be upheld with a modification of awarding of 50% of back wages instead of full back wages.

6. This Court, having considered the rival submissions made by the learned counsel on either side, in order to give quietus to this litigation, is of the considered view that the ends of justice would be met if the award passed by the Labour Court is modified to the

extent of awarding of 50% of back wages instead of full back wages and the fact that the petitioner has already reinstated the 1st respondent into service, the question of setting aside the order passed by the Labour Court, at this point of time, may not be feasible. Therefore, the award passed by the Labour Court is upheld with modification of awarding of 50% of back wages instead of full back wages in favour of the 1st respondent.

7. With the above observations, the writ petition is disposed of.
No costs.

8. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILU

Date: 08-07-2019
Prv

