

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.24678 OF 2006

ORDER

This writ petition is filed seeking the following relief:

“to issue an appropriate writ, order or direction particularly one in the nature of a Writ of Certiorari calling for the records relating to the impugned award dated 11-11-2005 made in I.D.No.94/2003 the Labour Court-II, Hyderabad published on 21-03-2006 in G.O.Rt.No.620, directing the petitioner herein to reinstate the 1st respondent on the post held by the 1st respondent on the date of removal with continuity of service and 20% back wages and if payment is not made in 2 months interest payable @ 9% P A; and quash the same as being bad, illegal, without jurisdiction and invalid and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Learned Standing Counsel appearing for the petitioner-Corporation submits that the respondent-workman has caused fatal accident; that without there being any basis, the Labour Court has relied on the findings of the criminal Court, and without appreciating any of the contentions raised by the Corporation, it has erroneously passed the impugned Award by setting aside the order of removal reinstating the respondent-workman into service with continuity of service and 20% back wages, along with 9% interest per annum; that though the Labour Court held that enquiry against the respondent-workman was held to be valid, it ought not to have

awarded back wages with 9% interest; and that appropriate orders be passed by setting aside the Award passed by the Labour Court to the extent of awarding 20% back wages.

Learned counsel appearing for the respondent-workman contends that the Labour Court has rightly passed the Award in favour of the 1st respondent-workman and gave a specific finding that the charges levelled against the respondent-workman were not proved in the enquiry and rightly awarded 20% back wages along with interest.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the Labour Court has rightly set aside the order of removal. However, without there being any discussion in respect of back wages, the Labour Court has awarded 20% back wages in favour of the respondent-workman with interest at 9% per annum. Hence, ends of justice would be met if 20% back wages as awarded by the Labour Court are set side in order to give a quietus to this litigation, which is pending since 2003.

Accordingly, the Writ Petition is disposed of. The Award passed by the Labour Court in respect of awarding 20% back wages is set aside. In all other aspects, the rest of the Award is confirmed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

4th February, 2019
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