

HON'BLE Mr. JUSTICE N.V. RAMANA

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W.P.No.28201 of 2005

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Dated: 31.08.2006

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Between:

Venga Satyanarayana S/o Narsaiah, 30 years
Ex-Conductor, R/o H.No.2-10-151, Jyothinagar
Karimnagar

... Petitioner

And:

The Presiding Officer, Industrial Tribunal
Cum Labour Court, Godavarikhani & another

... Respondents

HON'BLE Mr. JUSTICE N.V. RAMANA

W.P.No.28201 of 2005

ORDER:

This writ petition is filed seeking *certiorari* to quash the award passed in I.D.No.91 of 1996 dated 4.10.2000 on the file of Labour Court, Godavarikhani and consequently direct the respondents to reinstate the petitioner into service with full back wages and all attendant benefits.

The petitioner is employed as Conductor in the respondent Corporation. He was issued with a charge memo dated 26.06.1995 alleging certain cash and ticket irregularities. Having not satisfied with the explanation submitted by the petitioner, a charge sheet dated 30.06.1995 was issued to him. Thereafter an enquiry was ordered and the enquiry after completing the enquiry submitted a report dated 2.11.1995 holding the petitioner guilty of the charges. Based on the report of the enquiry officer, a show cause notice of removal from service dated 4.11.1995 was issued, and ultimately the petitioner was removed from service by order dated 20.11.1995. Aggrieved of the same, the petitioner raised an Industrial Dispute and the same was registered as I.D. No. 91 of 1996 on the file of the Labour Court, Godavarikhani. The Labour Court passed an award dated 4.10.2000 dismissing the petition. Hence, the present writ petition.

Learned counsel for petitioner submitted that the enquiry was conducted in a mechanical manner without affording reasonable opportunity to the petitioner and the Labour Court without considering the merits of the matter, passed a nil award in a mechanical manner. It is further submitted that the Labour Court has not even considered the evidence and without recording its findings on the enquiry proceedings erred in dismissing the claim of the petitioner.

On the other learned Standing Counsel for Respondent-Corporation submitted that having regard to the past record of the petitioner, the Labour Court rightly dismissed the petition and the award of the Labour Court needs no interference.

Heard both sides and perused the award under challenge.

On perusal of the award of the Labour Court, it is clear that the Labour Court has not considered the matter on merits and passed a nil award mechanically. It is unfortunate to note that the labour Court without considering the evidence on record and without even deciding the validity of domestic enquiry has concluded the matter by its precise award dated 4.10.2000. The Labour Court merely narrated the chronology of events, the description of the documents and held that the petitioner has *mala fide* intention to re-issue the tickets and cause loss to the corporation. Thereupon, recording the earlier punishments suffered by the petitioner and held that the punishment of removal from service is in proportion to the charges and dismissed the petition. Thus, this Court is of considered opinion that the Labour Court without considering the evidence and merits of the matter has passed the award and the same is liable to be set aside. It is a fit case, where the matter has to be remanded for fresh consideration from the stage of deciding the validity of domestic enquiry.

For the above reasons, the Award of the Labour Court dated 4.10.2000 is hereby set aside. The matter is remanded back to the Labour Court, Godavarikhani for afresh consideration from the stage of deciding the validity of domestic enquiry. The Labour Court is further directed to expedite the hearing of the matter.

Accordingly, the writ petition is allowed. No costs.

N.V. RAMANA, J

Date: 31.08.2006

BSS/TVK