

(2012) 09 KAR CK 0240

In the Karnataka High Court

Case No : Writ Petitions 60910 of 2011 c/w 61063 of 2012 (LK)

Divisional Controller, NWKRTC] Bagalkot Division, Bagalkot

APPELLANT

Vs

Hanamanthapa Chinnapur

RESPONDENT

Date of Decision : 07-09-2012

Acts Referred:

Industrial Disputes Act, 1947 — Section 33 (2) (b), 33 (3)

Citation : (2012) 09 KAR CK 0240

Hon'ble Judges : Huluvadi G. Ramesh, J

Bench : Single Bench

Advocate : Shivakumar S. Badavadagi, for the Appellant; Hanumanthareddy Sahukar, for the Respondent

Judgement

Hon"ble Mr Justice Huluvadi G. Ramesh

1. Petitioner NWKRTC in WP 60910/2011 is before this Court seeking to set aside the award passed by the Labour Court, Bijapur in KID 15/2009 - annexure D dated 16.12.2009. On the allegation that the respondent workman had failed to issue tickets to passengers who were traveling from Sindanur to Singapur from stage 2 to Somalapur in spite of collecting fare of Rs. 3/- from them and had not issued tickets to seven passengers in spite of collecting Rs. 4/- from them, and had also not closed the Way Bill, after disciplinary inquiry, he was dismissed from service. Thereafter, in the dispute raised before the Labour Court, there was an order of reinstatement by setting aside the order of dismissal on 16.12.2009, with continuity of service and consequential benefits. That has been assailed by the Corporation.

2. Heard the counsel representing the parties.

3. It appears before passing the order of dismissal petitioner management has not taken permission as required under S.33(2)(b) of the Industrial Act as is held in the case of Jaipur Zila Sahakari Bhoomi Vikas Bank Ltd. Vs. Ram Gopal Sharma and Others, . It appears the petitioner has reinstated the workman into

service on 22.2.2011. However, petitioner is not entitled for back wages from the date of dismissal till reinstatement. The respondent is at liberty to modify the punishment to be imposed with regard to continuity of service and consequential benefits after negotiation between the parties by approaching the Lok Adalath.

4. In view of the disposal of WP 60910/2011 filed by the management, this petition has become infructuous. The workman is not entitled for any of the amount as claimed by him. The application filed by the workman under S.33(3) of the Act does not survive for consideration. Further, it is made clear that the workman be reinstated to the original post as Conductor. WP 60910/2011 is disposed of. WP 61063/2012 is dismissed as having become infructuous.