

(2016) 06 KAR CK 0010
In the Karnataka High Court
Case No : W.P. No. 67174 of 2009

Management of NWKRTC

APPELLANT

Vs

Siddalingayya M. Hiremath

RESPONDENT

Date of Decision : 02-06-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) LabLR 891

Hon'ble Judges : Mr. H.G. Ramesh, J.

Bench : Single Bench

Advocate : Mr. P.R. Bentur, Advocate, for the Appellant; Mr. Gode Nagaraj, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

H.G. Ramesh, J. (Oral) - This writ petition by NWKRTC is directed against the award dated January 20, 2009 passed by the Principal Labour Court, Hubli in K.I.D. No. 149/2001 and REF. No.38/2005.

2. I have heard learned counsel appearing for the parties and perused the record. The respondent-workman who was working as a conductor with the petitioner was subjected to a disciplinary enquiry on the ground that he had remained unauthorisedly absent from duty for the period from 15.01.1999 to 23.07.1999.

3. The respondent was found guilty of the aforesaid charge and accordingly, the petitioner-management by its order dated 28.04.2001 (Annexure-C) removed the respondent from service.

4. The respondent carried the matter to the labour Court. The labour Court, on a reconsideration of the matter, set aside the aforesaid order dated 28.04.2001 removing the respondent from service and directed his reinstatement into service without back, wages and without continuity of service and imposing a penalty of withholding of four increments with cumulative effect.

5. Learned counsel appearing for the respondent submitted that the respondent has accepted the award of the Labour Court and has not challenged the same. He further submitted that the respondent has been reinstated into service pursuant an interim order dated 11.06.2010 passed in this writ petition and he has been functioning as a conductor from the last six years. He submitted that in view of his functioning as a conductor from the last six years, the award of the Labour Court may not be interfered with in the interest of justice.

6. Learned counsel for the petitioner does not dispute the aforesaid submission that the respondent has been reinstated and working as a conductor since 2010.

7. It is relevant to refer to the following reasoning of the labour Court in reducing the punishment from one of removal from service to one of reinstatement by denying of back wages and continuity of service, and imposing a penalty of withholding of four increments with cumulative effect:

"12. Having given careful attention to all aspects of the matter, and the above rulings made available by the learned Counsel for the petitioner, I am of the view that since in the instant case, as could be seen from Ext.M.4, the petitioner had been absent from 15.1.1999 to 23.7.1999, reinstatement without back wages and without continuity of service and with stoppage of four increments with cumulative effect and subject to the petitioner undertaking not to absent again, will meet the ends of justice."

8. Having regard to the facts of the case and particularly having regard to the fact that the respondent was reinstated into service in the year 2010 pursuant to the interim order passed in this petition on 11.06.2010 and that he has been functioning as a conductor since then, I decline to interfere with the impugned award of the labour Court in the interest of justice. The writ petition is accordingly dismissed.