

S.M. Mujeeb Vs. Labour Court, Anantapur and anr.

S.M. Mujeeb Vs. Labour Court, Anantapur and anr.

SooperKanoon Citation : sooperkanoon.com/429942

Court : Andhra Pradesh

Decided On : Apr-12-1990

Reported in : [1991(61)FLR573]; (1990)IILLJ535AP; (1990)IILLJ535SC

Judge : G. Radhakrishna Rao, J.

Appeal No. : Writ Petition No. 17866/1987

Appellant : S.M. Mujeeb

Respondent : Labour Court, Anantapur and anr.

Judgement :

ORDER

1. The petitioner was a Conductor in A.P.S.R.T.C. It is stated for the respondent No. 2 Corporation that while he was conducting bus on 20th September 1980 a check was exercised and it was found that the petitioner having collected the fare from 5 passengers failed to issue tickets to the passengers who were travelling from V. Kota to Vogu. It was also alleged that the petitioner having collected the fare of 75 paise each failed to issue tickets to three passengers travelling from V. Kota to Rekhamanu.

2. It is the case of the petitioner that there was no irregularity in issuing tickets; that the T.T.Is. having found no irregularity, demanded illegal gratification from him; that he expressed his inability to pay any amount as he was conducting the bus as per Rules and that the T.T.Is framed charges falsely.

3. The petitioner was removed from service after conducting departmental enquiry. Later the matter was referred to the Labour Court, Anantapur for adjudication.

4. The Labour Court held that the action of the second respondent in removing the petitioner from service is justified.

5. Sri G. Bhikshapathi, learned counsel for the petitioner, contended that the award was pronounced by the Labour Court on the very same day without following the procedure laid down with regard to the enquiry and that the award will become final only on the date of publication. This contention has no force and it is not a material irregularity which touches the merits of the case or it cannot be said that any prejudice has been caused to the party on account of pronouncement of the Judgment on the very same day without waiting till the date of publication.

6. The learned counsel for the petitioner further contended that Sri V. Veeraraghavan was the Presiding Officer of the Tribunal during the relevant time who heard the matter, and the award was not signed by him; that the award was signed by Sri Vengal Reddy, who was the successor and who did not hear the case at all and that he has no authority to sign the same without hearing the case and thus the award is illegal and vitiated for want of jurisdiction. So far as this contention is concerned, it is a material irregularity which touches the rights of the party. When the Presiding Officer who is expected to sign the original award has not

signed the same it must be deemed to be not an award in the eye of law. Therefore, the award of the Labour Court in I.D. No. 57/86 dated 23rd May 1986 is quashed. The Lower Court is directed to proceed with the enquiry permitting the parties to produce additional evidence, if any and decide the matter after considering the arguments and evidence put forth by both the parties, according to law.

7. The Writ Petition is disposed of No. costs.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com