

HON'BLE SMT JUSTICE ANIS
WRIT PETITION No.21475 OF 2003

ORDER :

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, to issue writ of Certiorari to quash the award dated 04.02.2003 passed in I.D.No.67 of 2002 on the file of the Industrial Tribunal-cum-Labour Court, Godavarikhani as illegal, arbitrary and contrary to the established principles of law.

2. It is the case of the petitioner that he was appointed as a conductor on 01.04.1982 and discharging his duties without any complaint to the utmost satisfaction of his superiors. On 25.01.2001, the second respondent/the Depot Manager, Andhra Pradesh State Road Transport Corporation (for short 'the APSRTC'), Korutla Depot, Karimnagar District issued the charge sheet with three charges on the allegations that he was involved in cash and ticket irregularities while conducting the check on 16.01.2001. The second respondent suspended the petitioner vide its order dated 25.01.2001 pending departmental enquiry. The petitioner submitted his detailed explanation for the alleged charges. The second respondent appointed Chief Inspector, Enquiries, Karimnagar, as Enquiry Officer to conduct a detailed enquiry into the alleged charges as per the statutory provisions of the APSRTC Employees (CCA) Regulations 1967. The Enquiry Officer conducted the enquiry and submitted his report on 13.03.2001 holding that the charges were not proved. The second respondent after verifying the entire record, issued a letter on 17.03.2001, advised the petitioner to give his objections/comments if any upon the Enquiry Report. The petitioner addressed a letter on 22.03.2001 stating that he has no objection on the Enquiry Report. After lapse of nearly one month, the second respondent by its letter dated 17.04.2001, advised the petitioner to attend the enquiry on 20.04.2001 at Huzurabad Depot. The action of the second respondent to conduct enquiry again into the same allegations is contrary to the law and its own regulations. The second Enquiry Officer without following the principles of natural justice conducted the enquiry contrary to the regulations and submitted his report on 28.04.2001 holding that the charges were proved. On 05.05.2001, the second respondent again addressed a letter to the petitioner to submit his comments/objections on the second enquiry report. The petitioner submitted his objections and raised 13 grounds to declare the second enquiry is illegal and contrary to the rules and regulations. Without considering the objections raised by the petitioner, the second respondent issued a show cause notice on 19.05.2001 for his removal. Then, the petitioner filed W.P.No.11538 of 2001 against the said show cause notice. Further, the petitioner also filed W.P.No.12529 of 2001, wherein this Court directed the petitioner vide its order dated 02.07.2001 to raise all objections before the Appellate Authority. Accordingly, he raised all the objections, but without considering the same, the Appellate Authority rejected his appeal confirming the orders of removal dated 08.06.2001 and rejected the petitioner's appeal on 18.04.2002. The petitioner filed ID.No.67 of 2002 before the Industrial Tribunal-cum-Labour Court, Godavarikhani, wherein he raised all his contentions, but the first respondent without considering the petitioner's plea, dismissed the ID on 04.02.2003 mechanically. Therefore, the petitioner filed the present writ petition.

3. During hearing, the learned counsel appearing for the petitioner mainly argued that the Enquiry Officer, Karimnagar, conducted enquiry as per the regulations of the APSRTC and the said report given by the Enquiry Officer cannot be set aside or cancelled. When the disciplinary authority has not agreed with the findings in the Enquiry Officer's report, the disciplinary authority ought to have given his findings on the charges by giving reasons for disagreeing the earlier enquiry report and there is no provision in APSRTC regulations to conduct second enquiry without cancelling the first enquiry. Further, the award passed by the Tribunal is illegal, against the principles of natural justice and disproportionate to the gravity of misconduct. Further, the Enquiry Officer without proper appreciation of evidence on record and without giving reasonable opportunity conducted the second enquiry. Therefore, the petitioner is entitled for reinstatement into service. It is also argued that the first respondent failed to see that there was no excess cash in the bus cash and finally prayed the Court to quash the award passed in I.D.No.67 of 2002 by issuing the writ of

Certiorari and relied upon the following judgments:-

- i. **Sri C.D.Prabhu v. The Deputy Commissioner South Kanara District Bangalore and another**^[1], wherein it is held at para 4 as follows:

"4. If it could be said that the second disciplinary proceeding also pertains to the charges which formed the subject matter of the first disciplinary proceeding, it is obvious that the commencement of the second disciplinary proceeding was plainly impermissible. If a disciplinary proceeding is commenced with respect to an accusation and that disciplinary proceeding has reached the stage when an enquiry has been completed that disciplinary proceeding must be continued and must end either in the imposition of a punishment or in exoneration. If that disciplinary proceeding has not been terminated in that way, the commencement of another disciplinary proceedings with respect to those charges is plainly incompetent"
- ii. **Mukesh Ali v. State of Assam and another**^[2], wherein it is held at para 17 as follows:

"17. The plea as to their exercise of review power under Rules 26 and 27 of the Rules was not taken either before the learned single Judge or before the Division Bench of the Gauhati High Court. Further no written plea or any oral argument was advanced in this regard and, therefore, we are of the opinion, that the Division Bench of the High Court was not justified in upholding the action of the respondents on the ground that the State has exercised the power under Rule 27 of the Rules."
- iii. **S. Rajulu v. Management of Aurofood (Private) Ltd., Auroville and another**^[3], wherein it is held as follows:

"The mere opportunity given to the petitioner to make his say over the past record of service while justifying the punishment imposed at the subsequent stage, namely before the Labour Court, would not cure the defect of denial of opportunity to the employee at the appropriate stage, namely, before imposing the major punishment of dismissal. Hence, I am satisfied that the impugned order of punishment of dismissal, having been awarded and inflicted upon the petitioner without providing an opportunity to the petitioner to make his say over his past record of service that was said to have been taken into account by the first respondent management while imposing the major punishment of dismissal, is held to be in violation of the principles of natural justice, as contemplated under the standing orders, and therefore, the same is vitiated and nullified [Para 10]."
- iv. **P. Srinivasa Rao v. A.P. Central Power Distribution Co. Ltd., Hyderabad and another**^[4], wherein it is held at paras 8 & 9 as follows:-

"8. While considering Rule 15 of the Central Civil Services (Classification, Control and Appeal) Rules, in K.R.Deb's case [AIR 1971 SC 1447], the Supreme Court held as follows:
".... The Disciplinary Authority has enough powers to reconsider the evidence itself and come to its own conclusion under Rule 9."
9. In C. Madhausudan's case [2009 (5) ALD 455 (DB)], a Division Bench of this Court considered the scope of Regulation 10(4)(b) of these very Regulations and held:
"Further, the issue for consideration is whether it was open to the disciplinary authority to baldly discard the first enquiry report and resort to a de novo enquiry at the hands of a new Enquiry Officer. The regulations applicable to the respondent Association do not indicate any such power being vested in the disciplinary authority. On the other hand, Rule 10(4)(b) states to the effect that on the findings of the Enquiry Officer, the disciplinary authority may award punishment or otherwise give a decision. The later portion of this regulation clearly indicates the possibility of the disciplinary authority disagreeing with the findings of the Enquiry Officer, but there is no scope for appointment of a new Enquiry Officer for a de novo enquiry."
- v. **The Cooper Engineering Limited v. Shri P.P. Mundhe**^[5], wherein it is held as follows:-

"When a case of dismissal or discharge of an employee is referred for industrial adjudication the labour court should fi
- vi. **S. Pulla Reddy v. Depot manager, APSRTC, Cuddapah District and another**^[6], wherein it is held at para 12 as follows:

"12. Since misconduct is stated to be one of the grounds on which an employee could be removed from service, the petitioner's removal from service cannot be denied to be falling within the purview of the rules and regulations of the respondent-Corporation. However, the two factors have to be kept in view viz., (1) non-verification of cash, and (2) improbability of the act of reissuing the tickets to the same passengers who had allegedly travelled in the same bus in an earlier trip. These in my opinion are the two mistigating factors which warrant the necessity of recording a finding that the punishment in the instant case was disproportionate to the misconduct proved; taking a clue form the three rulings of this High Court cited above."
- vii. **Neeta Kaplish v. Presiding Officer, Labour Court and another**^[7], wherein it is held as follows:-

"27. The proceedings of the domestic enquiry could be, and, were, in fact, relied upon by the Management for the limited purpose of showing at the preliminary stage that the action taken against the appellant was just and proper and that full opportunity of hearing was given to her in consonance with the principles of natural justice. This contention has not been accepted by the Labour Court and the enquiry has been held to be bad. In view of the nature of objections raised by the appellant, the record of enquiry held by the Management ceased to be "material on record" within the meaning of [Section 11-A](#) of the Act and the only course open to the Management was to justify its action by leading fresh evidence as required by the Labour Court. If such evidence has not been led, the Management has to suffer the consequences."
- viii. **A.N.Pandu v. Management of Bharat Heavy Electricals Ltd., rep. by its Executive Director and**

others^[8], wherein it is held at paras 8 & 10 as follows:

"8. The Labour Court, therefore, committed an error of jurisdiction in allowing the appellant-Respondent to lead evidence in the enquiry before it and come to a decision, after considering such evidence. The award is, therefore, liable to be quashed.

10. It is settled law, as held in State of T.N. and Anr. v. S. Subramaniam [1996 (7) SCC 509] that in writ proceedings under Article 226 of the Constitution of India, the High Court will be exercising judicial review jurisdiction and will not appreciate the evidence as a Court of appeal to arrive at its own conclusions and judicial review is not an appeal from a decision, but a review of the manner in which the decision was made. The only consideration for the Court in its judicial review is whether the conclusion was based upon evidence supporting the finding or whether it was a case of no evidence or whether procedural law was violated or whether there was any violation of principles of natural justice."

- ix. and **M.A.Abood v. Presiding Officer, Labour Court, Warangal and another**^[9], wherein it is held at paras 13 & 18 as follows:-

"13. In the Cooper Engineering Ltd. V.P.P. Mundhe, [AIR 1975 SC 1900], the Supreme Court observed that:

"When a case of dismissal or discharge of an employee is referred for industrial adjudication the Labour Court should first decide as a preliminary issue whether the domestic enquiry has violated the principle of natural justice. When there is no domestic enquiry or defective enquiry is admitted by the employer, there will be no difficulty. But when the matter is in controversy between the parties that question must be decided as a preliminary issue. On that decision being pronounced it will be for the management to decide whether it will adduce any evidence before the Labour Court. If it chooses not to adduce any evidence, "it will not be thereafter permissible in any proceeding to raise the issue."

18. In the instant case, the record would not show as to whether the petitioner herein raised any dispute with regard to the validity of the domestic inquiry. At any rate, the management itself has not placed any reliance upon the domestic inquiry. The findings recorded by the enquiry officer were not at all relied upon by the management. All the findings recorded by the enquiry officer, as well as the disciplinary authority are admittedly against the petitioner. All the charges framed against the petitioner are also held to have been proved. The management without placing any reliance upon the proceedings in the domestic enquiry straight away lead evidence, both oral and documentary, in support of the removal order passed against the petitioner. It is also not clear as to whether the Tribunal suo motu accorded permission to the management to lead evidence in support of its order of removal or such a permission was granted on the request of the management. But the fact remains that the management was permitted to lead evidence and the petitioner was permitted to lead rebuttal evidence."

4. On the other hand, the learned counsel for the second respondent filed the counter and argued the matter. He argued that the petitioner was appointed as a fresh conductor in the APSRTC on 01.04.1982. At the relevant point of time, he was working as conductor in Korutla, Karimnagar District. While so, on 16.01.2007 when the petitioner conducted the bus bearing No.AP.10Z.4284 on the route from C.B.S. to Korutla, a check was exercised by the official of the Corporation at Stage No.5 and found certain serious cash and ticket irregularities. Basing on the report of TTI's, the petitioner was issued with a charge sheet on 25.01.2001 asking him to explain, duly keeping him under suspension. Petitioner submitted his explanation to the charge sheet, which was neither convincing nor satisfactory. To provide further opportunity, a domestic enquiry was ordered into the matter. The Enquiry Officer conducted enquiry duly following the procedure adhering the principles of natural justice and submitted the report on 28.04.2001 holding the charges levelled against the petitioner proved in full. The disciplinary authority, after careful consideration of the matter together with enquiry report, issued a show cause notice on 19.05.2001 for removal of the petitioner and asking him to explain. The petitioner did not submit his explanation to the show cause notice. Thereafter, on 08.06.2001, final proceedings were issued removing the petitioner from service. Petitioner filed W.P.Nos.11538 of 2001 and 12529 of 2001 before this Court challenging the enquiry and show cause notice of removal. The same were disposed of with a direction to avail statutory remedies. Thereafter, the petitioner filed an appeal and the same was considered and rejected by its proceedings dated 18.04.2002. Finally, the petitioner raised the dispute in I.D.No.67 of 2002 before the Industrial Tribunal –cum- Labour Court, Godavarikhani. The Labour Court after careful adjudication of the matter, upheld the award passed on 25.02.2003 and dismissed the I.D confirming the proceedings of the disciplinary authority. Aggrieved by the said order, the writ petition is filed.

5. The learned counsel also argued that the Depot Manager passed the removal order without giving any reason is false. The petitioner in his statement categorically stated that he issued the tickets and same were valid and same were issued in different stages and pocketed the legitimate revenue of the Corporation, therefore, the present writ petition filed by the petitioner is devoid of merits and liable to be dismissed and there are no warranting circumstances for this Court to interfere under Article 226 of the Constitution of India. The learned counsel for the second respondent also relied on the following case laws:-

- i. **Union of India and others v. P. Gunasekaran**^[10], wherein it is held at paras 12 & 13 as follows:-
- "12. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, re-appreciating even the evidence before the enquiry officer. The finding on Charge no. I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Article 226/227 of the Constitution of India, shall not venture into re- appreciation of the evidence. The High Court can only see whether:
- a. the enquiry is held by a competent authority;
 - b. the enquiry is held according to the procedure prescribed in that behalf;
 - c. there is violation of the principles of natural justice in conducting the proceedings;
 - d. the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous ;
 - e. the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;
 - f. the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;
 - g. the disciplinary authority had erroneously failed to admit the admissible and material evidence;
 - h. the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;
 - i. the finding of fact is based on no evidence.
13. Under Article 226/227 of the Constitution of India, the High Court shall not:
- (i). re-appreciate the evidence;
 - (ii). interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;
 - (iii). go into the adequacy of the evidence;
 - (iv). go into the reliability of the evidence;
 - (v). interfere, if there be some legal evidence on which findings can be based.
 - (vi). correct the error of fact however grave it may appear to be;
 - (vii). go into the proportionality of punishment unless it shocks its conscience."

- ii. **A.P.S.R.T.C v. Raghuda Siva Sankar Prasad**^[11], wherein it is held at para 23 as follows:
- "23. Interfering therefore with the quantum of punishment of the respondent herein, is not called for. In our opinion, the respondent has no legal right to continue in the Corporation. As held by this Court, in a catena of judgments that the loss of confidence occupies the primary factor and not the amount of money and that sympathy and generosity cannot be a factor which is permissible in law in such matters. When the employee is found guilty of theft, there is nothing wrong in the Corporation losing confidence or faith in such an employee and awarding punishment of removal. In such cases, there is no place of generosity or place of sympathy on the part of the judicial forums and interfering with the quantum of the punishment."

- iii. **U.P. State Road Transport Corporation v. Suresh Chand Sharma and Suresh Chand Sharma v. State of Uttar Pradesh and another**^[12], wherein it is held at paras 23 & 24 as follows:-
- "23. In N.E.K.R.T.C. Vs. H. Amaresh, [AIR 2006 SC 2730]; and U.P.S.R.T.C. Vs. Vinod Kumar, [(2008) 1 SCC 11], this Court held that the punishment should always be proportionate to the gravity of the misconduct. However, in a case of corruption/misappropriation, the only punishment is dismissal.
24. Thus, in view of the above, the contention raised on behalf of the employee that punishment of dismissal from service was disproportionate to the proved delinquency of the employee, is not worth acceptance."

- iv. **Divisional Controller, KSRTC (NWKRTC) v. A.T.Mane**^[13], wherein it is held at paras 9 & 12 as follows:-
- "9. From the above it is clear once a domestic tribunal based on evidence comes to a particular conclusion normally it is not open to the appellate tribunals and courts to substitute their subjective opinion in the place of the one arrived at by the domestic tribunal. In the present case, there is evidence of the inspector who checked the bus which establishes the misconduct of the respondent. The domestic tribunal accepted that evidence and found the respondent guilty. But the courts below misdirected themselves in insisting on the evidence of the ticketless passengers to reject the said finding which, in our opinion, as held by this Court in the case of Rattan Singh (supra) is not a condition precedent. We may herein note that the judgment of this Court in Rattan Singh's (supra) has since been followed by this Court in Devendra Swamy vs. Karnataka State Road Transport Corporation { (2002) 9 SCC 644}.
12. Coming to the question of quantum of punishment, one should bear in mind the fact that it is not the amount of money misappropriated that becomes a primary factor for awarding punishment, on the contrary, it is the loss of confidence which is the primary factor to be taken into consideration. In our opinion, when a person is found guilty of misappropriating corporation's fund, there is nothing wrong in the corporation losing confidence or faith in such a person and awarding a punishment of dismissal."

and finally argued that the writ petition is liable to be dismissed.

6. Considering the contentions of the learned counsel for the petitioner as well as the second respondent, the point that arise for consideration is:

Whether the fact finding recorded by the Authorities under Section 2(A)(2) of the Industrial Disputes Act, 1947 by the Chairman, Industrial Tribunal –Cum- Labour court, Godavarikhani in I.D.No.67 of 2002 dated 04.02.2003 can be interfered exercising jurisdiction under Article 226 of the Constitution of India and that whether the Orders passed by the Authorities are in violation of any statutory rule or provision. If so, the Orders are liable to be quashed?

7. **P O I N T:** A perusal of the record shows that writ petitioner was working as a conductor since 01.04.1982. At the relevant point of time, he was working at APSRTC, Korutla Depot, Karimnagar District.

On 16.01.2001, while the petitioner was conducting the bus bearing No.AP.10Z.4284 on the route from C.B.S to Korutla, a check was exercised by the official of the Corporation at Stage No.5 and found certain serious cash and ticket irregularities. It is found that the petitioner collected an amount of Rs.30/- from three passengers i.e., Rs.10/- each at the boarding point itself and issued unconcerned tickets. Basing on the report of TTI, a charge sheet dated 25.01.2001 was issued to the petitioner asking him to explain his answer to the charges. The petitioner submitted his explanation to the charge sheet. As the explanation given by the petitioner was neither convincing nor satisfactory, a domestic enquiry was ordered into the matter. The Enquiry Officer conducted the enquiry and submitted his report on 28.04.2001 holding that the charges levelled against the petitioner are proved in full and a show cause notice of removal dated 19.05.2001 was issued asking him to explain. The petitioner did not submitted his explanation to his show cause notice, and hence, a final proceedings dated 08.06.2001 was issued removing the petitioner from service.

8. The main contention of the petitioner is that conducting second enquiry is impermissible under the regulations of APSRTC, as such he filed two writ petitions W.P.Nos.11538 of 2001 and 12529 of 2001. W.P.No.12529 of 2001 was filed to declare that the respondent's Corporation had no power or authority to order for re-inquiry and consequently sought directions to re-instate the petitioner with all bonafides including back wages. W.P.No.11538 of 2001 was filed to declare the action of the third respondent in issuing show cause notice as illegal, arbitrary and violation of principles of natural justice and ultimately, set aside the same and directing the third respondent to reinstate the petitioner with all consequential benefits. In these writ petitions, on 02.07.2001, this Court passed the following order:

*"In both the writ petitions, the petitioner is one and the same.
Writ petition No.12529 of 2001 is filed questioning the proceedings of the fourth respondent dated 8-6-2001.
The writ petitioner was charge sheeted and kept under suspension for the cash and ticket irregularities committed by him. Against the impugned order, the petitioner has efficacious and alternative remedy by way of filing an appeal to the Divisional Manager, Jagtial Head Quarters at Karimnagar. Instead of availing the said alternative remedy by way of filing an appeal, the petitioner rushed to this Court, which is not permissible under law.
In the circumstances, the petitioner is at liberty to avail alternative remedy by way of filing an appeal, if so advised.
With the above direction, Writ Petition No. 12529 of 2001 shall stand disposed of. No costs.
In view of the above, Writ Petition No.11538 of 2001 has become infructuous. Writ Petition No.11538 of 2001 shall, therefore, stand dismissed having become infructuous. However, petitioner is at liberty to raise all objections before the appellate authority, in the event of he filed the appeal as directed above. No costs."*

9. The learned counsel for the APSRTC argued that after the disposal of the writ petitions, the writ petitioner filed appeal before the Departmental Authority and same was considered and rejected by its proceedings dated 18.04.2002. Thereafter, the writ petitioner filed I.D.No.67 of 2002 before the Labour Court, Godavari Khani, Karimnagar District. After careful examination of the evidence on record, on 04.02.2003, petition was dismissed and the order of removal of the petitioner from service is confirmed. After dismissal of the I.D.No.67 of 2002, present writ petition is filed for quashing the order passed in I.D.No.67 of 2002 by the Industrial Tribunal –cum- Labour Court. A perusal of the order also shows that the Chairman, Industrial Tribunal has not considered the findings of the domestic enquiry and passed a separate order on 07.11.2002, wherein it was held that the domestic enquiry conducted in this case is invalid and the respondent Corporation has to be given opportunity to adduce the evidence in support of the charges. This order passed became final. Neither the Corporation nor the petitioner challenged the same. Therefore, the writ petitioner is now estopped from taking the plea that the second enquiry conducted is impermissible as the entire domestic enquiry is held invalid by the Industrial Tribunal –cum- Labour Court.

10. The jurisdiction to issue a writ of *Certiorari* is a supervisory one and in exercising it, the Court is not entitled to act as a Court of Appeal. That necessarily means that the findings of fact arrived at by the inferior Court or the Tribunal are binding. An error of law apparent on the face of the record could, however be corrected by a writ of *Certiorari*, but not an error of fact. Thus, a writ of *Certiorari* could also be issued if it is shown that in recording a finding of fact, admissible and material evidence has not been admitted, or inadmissible evidence affecting the impugned finding has been admitted but finding of fact could not be challenged in such proceedings on the ground that the relevant material evidence was insufficient to sustain

the finding as held by the Apex Court in **Syed Yakoob v. K.S. Radhakrishnan and others**^[14] and **Municipal Council, Sujapur v. Surinder Kumar**^[15]. Thus, In view of the principles laid down by the Apex Court, the jurisdiction of this Court to issue a writ of Certiorari under Article 226 of the Constitution of India is limited and this Court cannot interfere with the fact findings recorded by the Tribunal.

11. During the course of enquiry, writ petitioner himself was examined as DW.1 and no documents were got marked. On behalf of Corporation, MWs.1 & 2 were examined and Exs.M1 to M10 marked. The Checking Inspector in his evidence clearly stated that while checking the tickets, three passengers produced unconcerned tickets and they told they paid fare to the conductor and conductor issued those tickets. Those tickets were seized and traced in the S.R and as per the S.R, petitioner sold those tickets on 12.01.2001. After considering the evidence of both sides, the Tribunal held that the contention of the petitioner that the passengers will keep old tickets with them and showing them to the checking inspector cannot be believed and also held that petitioner collected Rs.30/- and issued unconcerned tickets and it is a grave offence against the Corporation as it will eat into the revenue of the Corporation and ultimately, weaken the Corporation.

12. The learned counsel for the second respondent contended that it is settled by the Hon'ble Supreme Court in **Raghuda Siva Sankar Prasad's case** (tenth cited supra), that interfering with the quantum of punishment of the respondent Corporation is not called for as the petitioner has no legal right to continue in the Corporation. It is also argued that there is nothing wrong in the Corporation loosing confidence or faith in such an employee and awarding punishment of removal and is not shockingly disproportionate to the nature of the charges already proved. The Hon'ble Supreme Court also clearly held in **Gunasekaran's case** (ninth cited supra), that it is not open to the High Court in exercise of its jurisdiction under Article 226 & 227 of the Constitution of India to go into the proportionality of punishment so long as punishment does not shocks consciences of the Court. In the present case also, the Corporation felt that acts of the employees like petitioner will eat away the revenue of the Corporation and ultimately, weaken the Corporation. Further, the second respondent as well as Tribunal held that the petitioner lacked integrity and the writ petitioner has not made out any case to interfere the order passed in I.D.No.67 of 2002 on the file of the Industrial Tribunal –cum- Labour Court, Godavarikhani.

13. In the result, the writ petition is dismissed. No costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

ANIS, J

Date: .04.2016
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[1] (Mysore) 1969 SLR 362
[2] [2006] 5 SCC 485
[3] 2002(1) LLN 1215
[4] 2016 (2) ALD 160
[5] (1975) 2 SCC 661
[6] 1997 (2) ALD 558
[7] 1999(1) SCC 517
[8] 1997 (2) ALT 296 (D.B.)
[9] 1999 (6) ALD 11
[10] (2015) 2 SCC 610
[11] (2007) 1 SCC 222
[12] (2010) 6 SCC 555
[13] (2005) 3 SCC 254
[14] AIR 1964 SC 477

[\[15\]](#) 2006 (5) SCC 173