

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**TUESDAY, THE THIRTIETH DAY OF AUGUST,
TWO THOUSAND AND SIXTEEN**

**Present
HON'BLE SRI JUSTICE P.NAVEEN RAO**

WRIT PETITION No.6986 of 2011

Between:

T. Munikrishna, s/o.T. Muthu Swamy, Aged:54 years, Ex.RTC
Tinsmith, R/o.D.No.1/56, 1st Lane, BTR Colony, Bangalam Quarters,
Tirupathi, Chittoor District.

.. Petitioner

AND

Industrial Tribunal-cum-Labour Court, Anantapur, rep. by its
Chairman-cum-Presiding Officer and another.

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.6986 of 2011****ORDER**

Petitioner was appointed as Tinsmith in the second respondent Corporation on 24.05.1979. While working in the said capacity, when he was coming from the out gate of the depot on 11.01.2005, the security guard searched the petitioner and found that he was hiding victory 40 watts choke in secret pocket of his trouser. In stead of giving explanation, petitioner seems to have thrown away the choke and ran way from the place. Disciplinary proceedings were initiated on the said issue. After conducting disciplinary proceedings, the disciplinary authority imposed punishment of removal from service by order dated 16.06.2005. Appeal preferred against the order of removal was rejected by order dated 29.09.2005. Petitioner raised industrial dispute alleging illegal termination. The Industrial Tribunal-cum-Labour Court, Anantapur, rejected the claim in I.D.No.124 of 2006.

2. Heard learned counsel for petitioner and learned Government Pleader for Labour for respondent No.1 and learned Standing Counsel for respondent No.2.

3. The first and foremost contention of the petitioner was that principles of natural justice were not observed in conducting disciplinary proceedings and the allegation leveled against him was false and frivolous as it was not possible for any person to hide 40

watts choke in secret pocket. The size of secret pocket will be very small and alleging false allegation, he was removed from service.

4 The Labour Court framed three points for consideration. The first point for consideration is whether there was any illegality or irregularity or violation of principles of natural justice in conducting enquiry and the second point for consideration is whether the punishment was disproportionate. On detailed analysis of evidence on record, Labour Court found petitioner guilty of the charge framed; there was no reason for him to ran away from the place when he was cornered by the security guard and he could have explained his defence if he was innocent. Therefore, the Labour Court observed that the said conduct speaks about the guilty mind of the petitioner. As recorded by the Labour Court, the choke recovered from the petitioner was sealed in the presence of two officers. As recorded by the Labour Court, after the enquiry was completed, a show cause notice was sent to his address, but the same was returned undelivered on the ground that the petitioner was continuously absent. Having regard to the evidence on record, the Labour Court rejected the contention of petitioner that there was violation of principles of natural justice and held that due process was followed before imposing the punishment.

5 These are the findings of fact arrived at by the Labout Court based on the evidence on record. Further, no material is brought before this Court to dislodge the said findings. It cannot be said that the finding of the Labour Court is perverse. I see no error in the decision arrived at by the Labour Court and the disciplinary authority.

It is also appropriate to notice, as pointed out by the learned Standing Counsel for respondent Corporation, that the petitioner's earlier record of service was also not good as he was imposed with several punishments during his career and therefore, he is not entitled to any relief.

6. The Writ Petition is accordingly dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

30th August, 2016
sj

P.NAVEEN RAO, J