

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.3972 of 2007

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the award dated 22.03.2006 passed by the Chairman-cum-Presiding Officer, Industrial Tribunal-cum-Labour Court, Anantapur.

2. Heard the learned counsel for the petitioner, Sri Aravala Ramarao, learned Standing Counsel and perused the records.

3. The second respondent herein was terminated from service on 19.12.1998 by the Disciplinary Authority. The validity of the same was questioned by the second respondent/workman by way of raising I.D.No.55 of 2003. The Tribunal by way of an award dated 22.03.2006, allowed the said application in part, by setting aside the order of termination and directed reinstatement of the second respondent with continuity of service without attendant benefits. The said order is under challenge in the writ petition.

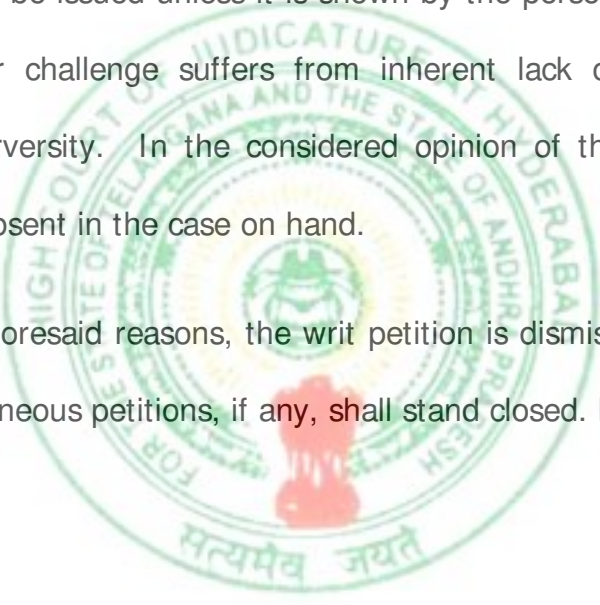
4. It is contended by the learned Standing Counsel that the award passed by the Tribunal is erroneous, contrary to law and opposed to the very spirit and object of the provisions of the Industrial Disputes Act 1947. It is further contended that only after scrupulously following the mandatory requirements of law, the disciplinary authority passed the order of termination, as such, the order of termination is not amenable for any correction. It is further submitted that as the disciplinary authority passed the orders strictly as per regulations, the impugned award is liable to be set aside. Before the Tribunal, the petitioner/Corporation filed Exs.M1 to M7 and did not adduce any oral evidence.

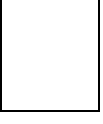
5. A perusal of the order under challenge, in vivid terms, discloses that the Tribunal recorded a categorical finding with regard to the procedure adopted by the petitioner authority while inflicting the punishment of termination. In fact, the Tribunal recorded a categorical finding that without giving any opportunity of being heard to the workman, the disciplinary authority passed the order of termination. It is also submitted that pursuant to the orders of this Court in WPMP.No.5082 of 2007, the Corporation reinstated the petitioner into service and ever since he has been continuing.

6. It is a well settled proposition of law that Writ in the nature of Writ of Certiorari cannot be issued unless it is shown by the person applying for that the order under challenge suffers from inherent lack of jurisdiction and suffers from perversity. In the considered opinion of this Court, the said contingency is absent in the case on hand.

7. For the aforesaid reasons, the writ petition is dismissed. As a sequel, pending miscellaneous petitions, if any, shall stand closed. No costs.

Date:21.10.2016
grk

A.V.SESHA SAI, J



THE HON'BLE SRI JUSTICE A.V.SESHA SAI



Dated 21st October, 2016

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