

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.10243 of 2011

ORDER:

While the first respondent – workman was conducting the bus bearing No.AP10 Z 4334 on route NGKL – Chakalpally – Wanaparthy on 07.05.2008, a check was conducted. Having noticed cash and ticket irregularities, disciplinary proceedings were initiated against him. Six charges were framed. The enquiry officer held the charges as proved. On consideration of the report of the enquiry officer, disciplinary authority by order dated 03.11.2008 removed the first respondent from service. Appeal and review filed thereon were rejected. Aggrieved thereby, the first respondent raised Industrial Dispute before Labour Court-III in I.D.No.224 of 2009.

On consideration of the matter, the Labour Court framed following points for consideration.

- 1) Whether the order of removal of petitioner is liable to be set aside, varied or confirmed?
- 2) Whether the petitioner is entitled for reliefs prayed for?
- 3) To what relief?

On the first point, Labour Court found that the Officer, who was appointed to conduct enquiry, was the part of squad, which conducted check on the bus and submitted report, based on which, disciplinary action was taken. Having regard to this fact, the Labour Court held that the enquiry suffers with the personal bias of the Enquiry Officer. This finding of the Labour Court is

based on the principle that a person who was the complainant could not have acted as judge in deciding the charge. This finding of the Labour Court goes to the root of the matter and therefore, the entire proceedings resulting in imposing the punishment get vitiated. No material is placed on record to disprove the finding of fact recorded by the Labour Court holding that the enquiry proceedings were vitiated on the ground that the enquiry officer had personal bias and being part of the investigating team, he could not have acted as an enquiry officer. Further, finding of fact arrived at by the Labour Court in this case cannot be interfered with by this Court in exercise of its power of judicial review. It is apt to note that the scope of judicial review under Article 226 against orders of the Labour Court is very limited. Unless the finding of the Labour Court is found to be perverse, this Court cannot nullify the same and interfere with the award passed by the Labour Court.

This Court finds no merit in the Writ Petition and the Writ Petition is liable to be dismissed.

Writ Petition is accordingly dismissed.

P. NAVEEN RAO, J

29th SEPTEMBER, 2016.

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