

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 8224 of 2001

ORDER:

This writ petition is filed seeking a writ of certiorari calling for the records relating and connected with the Award passed in I.D.No.87 of 1996, dated 26.07.2000 by the Labour Court, Godavarikhani, quash and set aside the same, whereby the Labour Court has dismissed the claim of the petitioner and confirmed the order of removal of the petitioner from service.

2. Heard Sri B.Sudhakar Reddy, counsel for the petitioner and Sri P. Lakshma Reddy, Standing Counsel for the 2nd Respondent.

3. The petitioner submits that he was appointed on 30.03.1977 as Revenue Cashier in the 2nd Respondent office, and while he was working as such, during the year 1982 he was placed under suspension alleging certain financial irregularities. The Petitioner has submitted his explanation and the disciplinary authority, not satisfied with the said explanation, has initiated departmental proceedings against the Petitioner and appointed an Enquiry Officer. The Enquiry Officer had submitted a report though holding that the charges are proved against the petitioner, however, suggested the disciplinary authority for stoppage of two increments with cumulative effect and to treat the period of suspension of the Petitioner as leave. The Enquiry Officer further suggested to the disciplinary authority to post the Petitioner where there are no cash transactions involved. The disciplinary authority, after considering the entire record, had imposed the

punishment of removal, vide proceedings dated 15.07.1983. Thereafter, the Petitioner challenged the same before the Labour Court in I.D.No.87 of 1996.

4. Admittedly, the petitioner has raised the above dispute before the Labour Court after 13 years from the date of his removal, and the Tribunal vide orders dated 26.07.2000 passed a 'nil-award' upholding the orders of removal imposed on the Petitioner.

5. Counsel for the Petitioner submits that the punishment of removal from service is shockingly disproportionate and contrary to the suggestions given by the Enquiry Officer, and the Labour Court ought to have passed orders of reinstatement by setting aside the order of removal.

6. Counsel for the 2nd respondent submits that the disciplinary authority has rightly imposed the punishment of removal from service for the proven misconduct of the Petitioner; the disciplinary authority is not bound by the suggestions made by the Enquiry Officer; and the Petitioner has approached the Tribunal after 13 years from the date of his removal; and the Tribunal has also rightly rejected the case of the Petitioner.

7. I have considered the rival submissions made by both the parties and the entire material on record. When once the Labour Court comes to a finding that the charges leveled are held to be proved, then there is very limited scope to the Labour Court to interfere into the matter and it is only on proportionality. Apart

from that when once the allegations of misappropriation of cash are proved in the disciplinary proceedings, the question of interference does not arise. Hence, the Labour Court has rightly passed the 'nil-award' and dismissed the dispute raised by the petitioner. I see no grounds to interfere with the same. There are no merits in the writ petition and the same is liable to be dismissed.

8. The writ petition is accordingly dismissed. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

December 22, 2017

Kv

Abhinand Kumar Shavili, J



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Kv