

THE HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.24702 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with Award, dated 18.07.2003, passed in I.D. No.93 of 2001 by the Labour Court – III, Hyderabad, and quash the same, and consequently direct the 2nd respondent to grant the continuity of service, back wages and all other benefits of the petitioner.

2. Heard Smt.K. Vedavathi, learned counsel for the petitioner and Sri B. Mayur Reddy, learned Standing Counsel for the 2nd respondent.

3. The case of the petitioner is that he was appointed as a Conductor on temporary basis on 06.04.1999 and his services were regularized on 06.10.1999. On 14.10.2000 while the petitioner was conducting the bus on Santhinagar route, a check was conducted and the checking officials have found certain cash and ticket irregularities and the 2nd respondent Corporation has construed the said irregularity as misconduct and initiated disciplinary proceedings against the petitioner. After conducting a detailed enquiry for the said misconduct, the Corporation has removed the petitioner from service vide proceedings dated 12.05.2001. Challenging the said order of removal, the petitioner has preferred I.D No.93 of 2001 before the Labour Court-III, Hyderabad. After considering the entire case, the Labour Court has passed the award on 18.07.2003 holding that the charges against the petitioner were proved and however, modified the punishment of removal to that of to appoint the petitioner afresh on the ground that the punishment of removal was shockingly disproportionate to the charges leveled against

the petitioner. Challenging the said award to the extent of denial of back wages, continuity of service and other related benefits, the present writ petition is filed.

4. Learned counsel for the petitioner contends that the award passed by the Labour Court is illegal and arbitrary to the extent of denying the back wages and other benefits to the petitioner, and that the petitioner should be given the said benefits. In support of his contentions, learned counsel relied upon a judgment of this Court in *M.A. Majeed v. Depot Manager, APSRTC*¹, and prays to allow the writ petition.

5. Learned counsel for the 2nd respondent contends that the petitioner was removed from service for the proven misconduct in the departmental enquiry and during pendency of the present writ petition, the petitioner was appointed as a fresh candidate, and that the Labour Court has rightly denied the back wages and the attendant benefits to the petitioner and that the award of the Labour Court calls no interference by this Court, and therefore, he prays to dismiss the writ petition.

6. I have considered the rival submissions made by the parties. The Labour Court has modified the punishment of removal against the petitioner to that of appointment afresh only on the ground that the punishment of removal was shockingly disproportionate and in respect of the findings of the enquiry officer are concerned, the Labour Court held that the Enquiry Officer has rightly held that the charged were proved against the petitioner. The judgment relied upon by the learned counsel for the petitioner may not come to the rescue of the petitioner

¹ 2014 (3) ALT 685

and the charges in the departmental proceedings were upheld and the Labour Court has intervened only in respect of the punishment and modified it to that of appointment afresh on the ground of proportionality. The award of the Labour Court needs no interference by this Court. I do not find any merits in the writ petition and hence, the same is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed.

December 07, 2017
KTL

ABHINAND KUMAR SHAVILI, J

