

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.11914 OF 2017

Dated:06.04.2017

Between:

The Board of Management of Hyderabad
District Cooperative Central Bank Limited,
Nampally Station Road, Hyderabad – 1,
Rep., by its Chief Executive Officer, V. Ravi .. Petitioner

And

State of Telangana, rep., by its Principal
Secretary, Labour, Employment,
Training and Factories (Labour) Department
at Secretariat, Hyderabad and others .. Respondents



The Court made the following:

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ORDER:

The 3rd respondent worked as Staff Assistant from 19.01.1999 to 14.08.2001 in District Cooperative Central Bank Limited at Vanasthalipuram Branch. Disciplinary action was initiated against the 3rd respondent, which resulted in imposing punishment of dismissal from service on 11.08.2004. Aggrieved by the same, the 3rd respondent preferred appeal. The said appeal was also dismissed by the appellate authority by order, dated 05.08.2008. The sum and substance of the allegation on which the disciplinary action initiated resulting in dismissal from service was, the 3rd respondent derelicted his duty and allowed the Manager to misappropriate the funds and abuse the position of Manager causing loss to the petitioner – Bank. It is not in dispute that there is no allegation of involvement of the 3rd respondent in doing illegal things by the Manager or misappropriation of funds.

2. Aggrieved by the order of dismissal from service, the 3rd respondent raised I.D. No.184 of 2009 before the Labour Court – III, Hyderabad. By award, dated 26.09.2016, the Labour Court set aside the dismissal order, dated 11.08.2004, and the appellate order, dated 05.08.2008, and ordered grant of all terminal benefits, but denied back wages and attendant benefits from the date of dismissal till the date of superannuation. The Labour Court granted out of service period as continuity of service for calculating the terminal benefits.

3. The petitioner – Bank challenges the said award in this Writ Petition.

4. Heard learned counsel for the petitioner – Bank, learned Government Pleader for Labour and perused the material on record.

5. On a careful consideration of the award passed by the Labour Court, it is seen that the Labour Court examined the evidence in detail, appreciated the respective contentions and recorded its findings holding that the allegations levelled against the 3rd respondent were not sustainable and therefore set aside the punishment of dismissal from service. It is settled principle that the writ Court, in exercise of power of judicial review under Article 226 of the Constitution of India, cannot re-evaluate/re-appreciate the evidence on record and upset the findings of the Labour Court. The jurisdiction of the writ Court against an award passed by the Labour Court is very limited. This Court cannot act as an appellate forum against the decisions of the Labour Court. Unless the award is held to be perverse or it is without jurisdiction, the Writ Court cannot interfere.

6. It is also seen from the operative portion of the award that the interest of the petitioner – Bank is also sufficiently protected by denying the back wages and attendant benefits to the 3rd respondent from the date of dismissal from service till he attains the age of superannuation. I do not see any justification in the grounds urged by the petitioner – Bank warranting interference by this Court.

7. 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 closed.

Date:06.04.2017

KH

P. NAVEEN RAO, J

