

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.12379 OF 2001

ORDER:

1. This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the award dated 27.10.2000 in I.D.No.197 of 1997 on the file of the 2<sup>nd</sup> respondent and to set aside the same, and to declare the action of the 1<sup>st</sup> respondent in removing the petitioner from service vide proceedings dated 24.8/22.10.1997, as illegal and arbitrary, and consequently, to direct the 1<sup>st</sup> respondent to reinstate the petitioner into service, by granting all other consequential reliefs such as continuity of service and backwages.

2. Heard Sri A. Vasudeva Reddy, learned Counsel for the petitioner and Sri A. Ravi Babu, learned Standing Counsel for TSRTC.

3. It is the case of the petitioner that while he was working as conductor, on 6.3.1997 a check was conducted, and certain irregularities were found in issuing tickets, and on such irregularities, an enquiry was conducted and he was removed from service on 24.8/22.10.1997 and aggrieved by the same, he filed the above I.D. before the 2<sup>nd</sup> respondent, and the said I.D. was dismissed, and hence, the present writ petition is filed.

4. Learned Counsel for the petitioner submits that the enquiry was not conducted properly and that the findings of the enquiry officer are totally perverse and that the 2<sup>nd</sup> respondent proceeded with an erroneous assumption that the proceedings of enquiry are true and correct and that the procedure adopted by the 2<sup>nd</sup> respondent is wholly erroneous, and that the order of removal is disproportionate to the misconduct with which the

petitioner was charged and therefore, the award of the 2<sup>nd</sup> respondent and the proceedings of the 1<sup>st</sup> respondent warrant interference by this Court.

5. The learned Standing Counsel for the 1<sup>st</sup> respondent submits that the petitioner committed grave irregularities and that the order of removal passed by the 1<sup>st</sup> respondent and the award of the 2<sup>nd</sup> respondent do not warrant any interference of this Court.

6. I have considered the rival submissions made by the parties. From the material on record, it is obvious that the Labour Court had not found fault with the procedure adopted by the disciplinary authority while confirming the order of removal, and it came to a conclusion that the charges levelled against the petitioner were proved. The Labour Court had also considered the past record of the petitioner and declined to interfere with the punishment imposed by the disciplinary authority. I do not see any illegality in the award passed by the Labour Court. The writ petition is devoid of merits and the same is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

(ABHINAND KUMAR SHAVILI, J)

30<sup>th</sup> November, 2017  
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THE HON'BLE Mr. ABHINAND KUMAR SHAVILI



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