

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.16963 OF 2001

ORDER

Heard Sri J. Sudheer, learned counsel appearing for the petitioner and Sri S.V.Ramana, learned Standing Counsel appearing for the respondent-Corporation.

This writ petition is filed seeking to issue a writ of Certiorari to call for the records relating to and connected with the impugned order dated 3.2.2001 issued by the 3rd respondent-Depot Manager and consequential G.O.Rt.No.1486, Labour Employment Training & Factories (Lab.I) Department, dated 20.06.2001, issued by the 1st respondent, and set aside the same.

It is the case of the petitioner that he was initially appointed as a Conductor in the 3rd respondent-Corporation; that while he was conducting bus bearing No.AP 9Z 9152, a check was exercised by the checking officials and certain irregularities in issuance of tickets were noticed; that the petitioner was placed under suspension on 19.8.2000; and that on the same day, charge sheet was issued to him. Aggrieved by the said suspension order, the petitioner raised conciliation proceedings through a union before the 2nd respondent-Assistant Commissioner of Labour, who, entertained the said dispute and issued notices to the 3rd respondent-Corporation.

When the conciliation proceedings went on for few hearings, without awaiting the result of the conciliation proceedings, the respondent-Corporation has proceeded with the departmental enquiry. After conducting the enquiry, the respondent-Corporation *vide* proceedings dated 3.2.2001, imposed the punishment of removal from service against the petitioner for the proven mis-conduct. The fact of removal of the petitioner from service was brought to the notice of the Conciliation Officer, who, in turn, has submitted a report and appropriate Government had referred the dispute *vide* G.O.Rt.No.1486, dated 20.6.2001, to decide as to whether the action of the 3rd respondent-Corporation in passing impugned removal order against the petitioner was justified or not. In those set of circumstances, the writ petition is filed.

While admitting the writ petition, this Court *vide* order dated 3.6.2002 in WPMP No.21215 of 2001, suspended the removal order. When the said order was not implemented, the petitioner had filed C.C.No.1046 of 2002 before this Court. On filing of such contempt case, the order of removal has been revoked by the respondent-Corporation.

Learned counsel for the petitioner submits that when once the dispute is pending before the Conciliation Officer, the respondent-Corporation ought not to have removed the

petitioner from service, which is contrary to Section 33 (1) of Industrial Disputes Act, 1947 (for short 'the Act').

Learned Standing Counsel appearing for the respondent-Corporation submits that the order of removal has been revoked subject to out come of the writ petition.

The writ petition is filed to the limited extent as to whether the respondent-Corporation was justified in passing the removal order pending conciliation proceedings before the 2nd respondent-Assistant Commissioner of Labour. In view of the fact that the removal order has been revoked by the respondent Corporation, the cause in the writ petition does not survive for adjudication.

Accordingly, the writ petition is closed. However, if the petitioner is entitled to the benefits consequent upon revocation of removal order, that may be extended to him.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

12th December, 2017
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