

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2075 OF 2009

ORDER:

This writ petition is filed against the award dated 28.11.2007 passed in ID.No.88 of 2006 by the Labour Court-I, Hyderabad, wherein the Labour Court allowed the ID partly directing the respondent to reinstate the petitioner into service with continuity of service and all other attendant benefits but without back wages.

Learned counsel for the petitioner submits that the respondent had sold unconcerned tickets and had not remitted the said amount which amounts to serious misconduct, as such the Labour Court should not have interfered with the punishment of removal from service imposed on the 1st respondent.

Heard learned Government Pleader for Labour.

It is to be seen that the Labour Court considered the evidence on record and held that due to some mistake the ticket blocks of some other concerned might have mixed with the petitioners ticket blocks in his tray which is not seriously noticed by him and that there is no clear proof that the petitioner is having ill intention of committing theft of the ticket blocks of some other employee. The Labour Court also held that as per Ex.M2(SR of the 1st respondent therein) the petitioner has duly accounted the tickets bearing No.400 to 415 for Rs.5/- denomination and that if the petitioner had bad intention to pocket the money for himself, he ought not have accounted the said tickets in his SR and that the petitioner is not aware about the unconcerned block of tickets

found in his ticket tray and that it is for the ADC, the Conductor J.N.Kumar, to explain as to how the ticket blocks from his ticket tray are found missing. Further, the Labour Court also considered the explanation submitted by the 1st respondent that his mother was admitted in the hospital and on receiving the said message, he was under shock and as such he did not pay much attention towards the remittance of the cash. Finally, as the charges leveled against the 1st respondent is not substantially proved, set aside punishment imposed by the respondent Corporation by exercising its discretion under Section 11-A of the Industrial Disputes Act. In view of the aforesaid findings of the Labour Court, this Court cannot re-appreciate the evidence and come to a different conclusion by exercising power of Judicial review under Article 226 of the Constitution of India.

Hence, I do not see any reason to interfere with the award of the Labour Court. Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

06.01.2017
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