

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 19106 of 2005

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with I.D.No.18 of 2003 on the file of the 2nd respondent-Labour Court and quash the order dated 21.02.2005 passed therein holding it as illegal and arbitrary.

Heard Sri B. Mayoor Reddy, learned standing counsel for TSRTC appearing on behalf of the petitioner and Sri S.A.V. Ratnam, learned counsel for the 1st respondent workman.

It has been contended by the petitioner corporation that the 1st respondent workman was appointed as Driver in the corporation in the year 1987. While the workman was discharging his duties on 08.03.2001, he caused an accident and his conduct was construed as misconduct and a charge memo was issued against him. After conducting a detailed enquiry, the corporation removed him from service vide orders dated 06.08.2001. Challenging the orders of removal, the workman unsuccessfully filed an appeal and a review before the competent authorities and, later, raised an industrial dispute before the Labour Court, Warangal, in I.D.No.18 of 2003 under Section 2-A(2) of the Industrial Disputes Act. The Labour Court without properly appreciating any of the contentions raised by the corporation, passed an award dated 21.02.2005 setting aside the order

of removal and directing the corporation to reinstate the workman into service with continuity of service and back wages. Aggrieved thereby, the present writ petition is filed by the corporation.

Learned counsel for the 1st respondent workman has contended that the Labour Court has rightly passed the award in his favour and, therefore, no interference is called for.

This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that while exercising the power under Section 11-A of the Industrial Disputes Act, the Labour Court had interfered with the orders of removal passed by the disciplinary authority. No illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the award passed by the labour Court. Unless and until any illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation, this Court cannot interfere with the award of the labour Court. There are no merits in the writ petition.

Therefore, the writ petition is dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

23rd August, 2018
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Writ Petition No. 19106 of 2005
(dismissed)

23rd August, 2018

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