

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2322 of 2004

ORDER:

This writ petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit that this Hon’ble Court may be pleased to issue an appropriate Writ, Order or direction, especially in the nature of a Writ of Certiorari, calling for the records relating to the impugned award dated 17-04-2003 made in I.D.No.120/2000, Labour Court-II, Hyderabad, published on 23-06-2003, setting aside the order of removal dated 24-03-2000 and directing reinstatement of the 1st respondent into service with continuity of service, full back-wages and attendant benefits, and quash the same as being illegal, without jurisdiction and invalid, and pass such other and further orders to meet the ends of justice”.

2. Heard the learned Standing Counsel for petitioner-Corporation and the learned Counsel for the 1st respondent-workman.

3. It has been contended by the petitioner-Corporation that the 1st respondent was appointed as a conductor on 1-2-1966 and subsequently promoted as A.D.C. and D.C., and was attached to BHEL Depot, Hyderabad. During the material time, he was warned/censured 11 times; and his annual increment was deferred twice. The Audit Inspector of Deputy Chief Accounts Office, Hyderabad City Region Office, has conducted audit of BHEL Depot at Bus Pass Section at Keerthi Mahal, in BHEL Township, from 10-3-1998 to 13-3-1999. During the audit inspection, the Audit Inspector found that difference of Rs.8,51,740/- was remitted less to actual sale of Bus Passes with manipulated amount from 6-6-1998 to 2-3-1999. Sri M.G.Rabbani, A.D.C.,

working as ADC in the Bus Pass Section has misappropriated the above said amount by replacing the original way bill with non-genuine way bills at the time of submitting bus cash to the Depot Clerk (Earnings) on 26 different dates. Basing on the Audit Inspection, a preliminary enquiry was conducted to elicit the involvement of persons in the huge fraud. In the preliminary enquiry, it was revealed that the petitioner (1st respondent) is also one of the persons who accepted bus cash while collecting bus pass cash from Sri M.G.Rabbani. Based on the audit report and the preliminary enquiry report and the evidence available on record, the 1st respondent was placed under suspension pending enquiry and a Charge Sheet dated 3-5-1999 was issued to him. The 1st respondent submitted his explanation denying the charges. A regular enquiry was conducted and issued a show cause notice of removal dated 15.2.2000 to which the 1st respondent submitted his explanation. The Depot Manager came to a final conclusion that the charges were proved and passed an order of removal dated 24-3-2000 removing the 1st respondent from service. Without exhausting the statutory remedies of appeal and review available to him under APSRTC Employees (CC&A) Regulations, 1967, the 1st respondent filed I.D.No.120/2000 before the Labour Court-II, Hyderabad, questioning the order of removal from service under Sec.2-A(2) of the Industrial Disputes Act, 1947 and the Labour Court, without properly appreciating any of the contentions raised by the corporation, passed an award dated 17-4-2003 setting aside the order of removal dated 24-03-2000 and directed reinstatement of the 1st respondent into service with full back

wages, continuity of service and attendant benefits. Aggrieved thereby, the present writ petition is filed by the petitioner-Corporation.

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

5. This Court, having considered the submissions made by the parties, is of the considered view that the Labour Court has rightly passed the award in favour of the 1st respondent. Further, 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 in the award passed by the Labour Court, this Court cannot interfere with the findings of the Labour Court. There are no merits in the writ petition and the writ petition is liable to be dismissed.

6. Accordingly, 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

17th December, 2018

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