

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.8110 OF 2001

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the order passed by the 1st respondent-Industrial Tribunal-cum-Labour Court, Warangal, dated 10.03.2001, in I.D.No.16 of 1997 and quash the same by holding it as arbitrary and illegal.

Heard Sri B.Surender Rao, learned counsel appearing for the petitioner and Sri Bathula Raj Kiran, learned Standing Counsel appearing for the 2nd respondent.

It is the case of the petitioner that when the 2nd respondent had issued recruitment notification for the post of peons, he responded to the said notification and got appointed vide order dated 24.07.1993, based on 9th Class qualification. Subsequently, the 2nd respondent initiated disciplinary proceedings by issuing a charge sheet to the petitioner on the ground that suppressing the fact of his SSC qualification, which was obtained even before his appointment, the petitioner procured appointment based on his 9th class qualification. In the domestic enquiry, the petitioner has admitted his guilty. After following the

procedure, the petitioner was dismissed from service *vide* order dated 31.03.1997. Aggrieved by the same, the petitioner raised I.D.No.16 of 1997 under Section 2-A(2) of the Industrial Disputes Act, 1947 (for short the 'Act'). The Tribunal *vide* order dated 10.3.2000 confirmed the removal order passed by the disciplinary authority. Hence, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that the Tribunal has not considered the case of the petitioner in a proper perspective and the Tribunal ought to have set aside the dismissal order.

Learned Standing Counsel appearing for the 2nd respondent submits that the petitioner has admitted the guilt and in the enquiry, the charges framed against him were proved and after following the procedure, the 2nd respondent had imposed the punishment of dismissal from service and hence, no interference is called for.

It seems that the petitioner has admitted his guilt before the enquiry officer and he has not pleaded about the principle of proportionality of punishment, in this writ petition. When once the Tribunal has failed to exercise its power under Section 11-A of the Act, it is difficult for this Court to come to

the rescue of the petitioner as he has already admitted his guilt before the authorities.

In view of the same, there are no merits in the writ petition.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending, shall stand closed.

8th June, 2018
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JUSTICE ABHINAND KUMAR SHAVILI