

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 2544 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with M.P.No.19 of 2001 on the file of the 2nd respondent - Labour Court and quash the order dated 09.06.2003 passed therein holding it as illegal and arbitrary.

Heard Sri S.V. Ramana, learned standing counsel for the petitioner corporation, and Sri G. Ramgopal, learned counsel for the 1st respondent.

It has been contended by the petitioner corporation that the 1st respondent was appointed as Conductor in the corporation on 13.07.1975 and had retired from service on 30.06.2001. While he was in service, he failed to hand over the ticket blocks of different denominations to his successor resulting in financial loss to the corporation and the corporation construed the said act as misconduct, and after conducting regular enquiry, the disciplinary authority passed orders dated 30.06.2001 directing that a sum of Rs.7,75,357/- be recovered from the gratuity and settlement dues of the 1st respondent. Challenging the order of recovery, the 1st respondent filed M.P.No.19 of 2001 on the file of the 2nd respondent - Labour Court. Vide orders dated 09.06.2003, the Labour Court allowed the said petition holding that the 1st respondent, in all, is entitled to sum of Rs.1,84,615/- along

with interest at 6% p.a. Aggrieved by the same, the corporation filed the present writ petition.

Learned standing counsel for the petitioner corporation has contended that because of the negligent act of the 1st respondent, the corporation had suffered financially and the corporation rightly withheld the amounts which are payable to the 1st respondent from his terminal benefits.

In response, the learned counsel for the 1st respondent has contended that if any loss is caused to the petitioner corporation, it must calculate the loss based on the printing and stationary value of the tickets, but not on the face value of the tickets, contrary to it, face value of the tickets was taken into account and accordingly the order of recovery was passed which is illegal and arbitrary. Therefore, the Labour Court is right in passing the order impugned in the writ petition and no interference is called for from this Court.

Having considered the rival submissions made by the parties and perused the records, this Court is of the considered view that the Labour Court gave specific findings and rightly passed the impugned order in favor of the 1st respondent. Further, no illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the impugned order. Unless and until any grave irregularity or illegality is pointed out by the learned standing counsel, this Court cannot interfere with the findings of the Labour

Court. I find no merits in the writ petition and the same is liable to be dismissed.

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

ABHINAND KUMAR SHAVILI, J

24th September, 2018
cbs



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No. 2544 of 2004
(dismissed)

24th September, 2018

cbs