

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.4012 of 2007

ORDER :

This writ petition is filed seeking a writ of certiorari calling for the records relating to the orders in I.D.No.13 of 2005, dated 06.06.2006 passed by the first respondent and quash the same holding it as arbitrary and illegal.

2. Heard Sri A.Rama Rao, learned Standing Counsel for the petitioner-Corporation and Sri G.Ravi Mohan, counsel for respondents 2 to 5.

3. It has been contended by the petitioner-Corporation that the second respondent-workman was appointed as a Driver in the petitioner-Corporation and while discharging his duties, he caused a fatal accident by hitting a stationed lorry, as a result of which, the petitioner-Corporation has suffered damage and the passengers in the bus also received injuries. The said conduct of the second respondent-workman was construed as misconduct and a charge memo was issued and after conducting detailed enquiry and for the proven misconduct, the petitioner had imposed punishment of removal of second respondent-workman from service on 10.08.2004. The second respondent-workman preferred an appeal and review unsuccessfully and thereafter, he preferred I.D.No.13 of 2005. During the pendency of I.D., the second respondent-workman had died and his legal representatives were brought on record. The Labour Court vide orders dated 06.06.2006 allowed the I.D. by setting aside the orders of removal of second respondent-workman from service and directed the petitioner-Corporation to

pay full back wages to the legal representatives of second respondent-workman from the date of removal till the date of his death.

4. The learned standing counsel appearing for the petitioner contends that the Labour Court-first respondent herein failed to appreciate the merits of the case and mechanically passed the orders in favour of the legal representatives of deceased-workman.

5. The counsel appearing for the respondents 2 to 5 had contended that the Labour Court has rightly passed the orders in favour of the legal representatives of deceased second respondent-workman and no interference is called for and the writ petition is liable to be dismissed.

6. Having considered the rival submissions made by the parties, since no irregularity or illegality has been pointed out in the orders passed by the Labour Court, this Court is not inclined to interfere with the impugned orders.

7. Accordingly, the Writ Petition is dismissed. No costs.

Consequently, Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

05th SEPTEMBER, 2018
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