

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 12209 of 2002

ORDER:

This Writ Petition is filed by the Andhra Pradesh Road Transport Corporation challenging the Award dated 16.11.2001 passed in I.D.No.49 of 2000 wherein the Industrial Tribunal-cum-Labour Court, Visakhapatnam passed award in favour of the 1st respondent by setting aside the order of removal dated 15.02.2000 and directing the petitioner-Corporation to reinstate the 1st respondent into service with continuity of service but without back wages.

2. Heard learned standing counsel for the petitioner-Corporation.

3. It is contended by the petitioner that the 1st respondent, who was working as a Conductor in the petitioner-Corporation, had indulged in grave irregularity by submitting fake warrants, which were not issued by the police department as per the letter of the Additional Director General of Police, CBCID, Hyderabad. After conducting detailed enquiry, the 1st respondent was removed from service. Challenging the order of removal, the 1st respondent has filed I.D.No.49 of 2000 on the file of the Industrial Tribunal-cum-Labour Court, Visakhapatnam, and the Labour Court passed award dated 16.11.2001 in favour of the 1st respondent by setting aside the order of removal and directing the petitioner-Corporation to reinstate the 1st respondent into service with continuity of service, however, without

back wages. Questioning the award of the Labour Court, the present writ petition is filed.

4. Learned counsel for the petitioner-Corporation has submitted that during the pendency of this writ petition, the 1st respondent was reinstated into service and now the issue is in respect of continuity of service.

5. As can be seen from the award passed by the Industrial Tribunal-cum-Labour Court, it has come to the rescue of the 1st respondent on the ground of proportionality and interfered with the punishment of removal.

6. This Court having considered the submissions made by both the parties is of the considered view that while exercising the powers under section 11(A) of the I.D. Act, the Labour Court had interfered with the punishment of removal on the ground of proportionality and rightly rejected the back wages to the 1st respondent, but, however, in respect of continuity of service, the Labour Court has passed order rightly in favour of the 1st respondent. Until and unless some grave irregularity is pointed out in the award passed by the Labour Court, this Court cannot interfere with the finding of the Labour Court.

7. Apart from that, the writ petition against the 1st respondent was dismissed for default, as per the docket order dated 18.08.2010. Thereafter, the petitioner has not taken any steps to file an application

for restoration of the writ petition against the 1st respondent. Even on this count, the writ petition is liable to be dismissed.

8. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

27th July, 2018
cbs



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(dismissed)

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