

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6909 of 2003

ORDER

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with I.D.No.11 of 2000(S) on the file of the 2nd respondent and quash the award dated 04.10.2001 passed therein holding it as illegal and arbitrary.

Heard Sri Y.Vivekananda Swamy, learned Standing counsel for APSRTC appearing on behalf of the petitioner and learned Government Pleader for Labour appearing on behalf of the 2nd respondent.

It has been contended by the petitioner-Corporation that the 1st respondent workman was appointed as Conductor in the Corporation and while he was discharging his duties on 13.05.1998, the checking officials of the Corporation conducted check and alleged that he indulged in cash and ticket irregularities. The respondent-Corporation construing the said act as misconduct initiated disciplinary proceedings against the 1st respondent, and after conducting enquiry, imposed punishment of removal from service. Challenging the same, the 1st respondent unsuccessfully preferred an appeal and a review before the competent authorities and, thereafter, raised

an industrial dispute in I.D.No.11/2000(S) on the file of the 2nd respondent–Labour Court under Section 2-A(2) of the Industrial Disputes Act. The Labour Court without properly appreciating any of the contentions raised by the Corporation, passed an award dated 4.10.2001 setting aside the order of removal and directing the Corporation to reinstate the 1st respondent into service with minor penalty of stoppage annual grade increment for a period of one year without cumulative effect and with back wages. Aggrieved thereby, the present writ petition is filed.

Learned Government Pleader appearing for the 2nd 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.

This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that when once the Labour Court had exercised the power under Section 11-A of the Industrial Disputes Act, 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 Award. There are no merits in the writ petition.

Therefore, the writ petition is dismissed. No costs.

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

JUSTICE ABHINAND KUMAR SHAVILI

15th November, 2018
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