

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 21464 OF 2010

ORDER :

This Writ Petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble court may be pleased to issue writ, order or directions more in the nature of Writ of Certiorari, call for the records in ID No.83 of 2007, dated 20.10.2008 on the file of Hon'ble Labour Court-III, A.P., Hyderabad, and quash the same in so far against to the petitioner in denying the full back wages from the date of suspension to date of reinstatement (16-3-2006 to March, 2009) as illegal and arbitrary and further direct the respondent herein to pay full back wages to the petitioner from the date of suspension to date of reinstatement into the service and pass such other order or orders in the interest of justice as otherwise the petitioner may suffer irreparable loss and hardship”.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-corporation.

It has been contended by the petitioner that he was appointed as conductor in the respondent-corporation on 08-06-1990 and his services were regularized with effect from 01-01-1992. While he was discharging his duties, he has committed some cash and ticket irregularities on 12-3-2006 on route Nagarkurnool to Tekkapally. The respondent herein, without considering his statement, relying upon the report of the checking officials, issued a charge sheet with 3 charges. He submitted his explanation, denying the allegations. But the respondent herein, without appreciating his explanation, nominated an enquiry officer to conduct departmental enquiry into the alleged charges. The enquiry officer recorded the statements of

checking officials as well as passengers before the enquiry, by giving reasonable opportunity to the respondent to cross examine the passengers witness. The enquiry officer, without giving any reasons and findings with evidence on the charges, came into the conclusion that the charges were proved without any doubt and submitted his report dated 27-7-2006, holding that the charges were proved. Thereafter, the respondent herein, by letter dated 17-8-2006, directed him to submit his objections on the enquiry officer's report. Though he raised objections by letter dated 25-8-2006 on illegal conclusion of the enquiry officer's report as well as statement of the checking officials, the respondent herein, without considering the same and without giving any findings on the objections, issued show cause notice for removal and finally removed him from service by proceedings dated 21-9-2006 and the same was confirmed in appeal as well in review, by proceedings dated 23-2-2007 and 9-2-2008 respectively. Aggrieved by the same, the petitioner preferred ID No.83 of 2007 before the Labour Court-III, Hyderabad, under Section 2-A(2) of Industrial Disputes Act, 1947. The Labour Court allowed the ID partly, vide order dated 20-10-2008, setting aside the order of removal dated 21-9-2006 passed against the petitioner by the respondent and the respondent was directed to reinstate the petitioner into service with continuity of service and attendant benefits but without back wages. The award of the Labour court in ID No.83 of 2007 dated 20-10-2008 in denial of full back wages is illegal, arbitrary and the same is liable to be quashed by this Hon'ble Court with all consequential benefits including full back wages. Aggrieved thereby, the present writ petition is filed.

The learned counsel for the petitioner submits that against the award of the Labour Court in ID No.83 of 2007, dated 20.10.2008, the respondent herein filed WP No.10487 of 2010 before this Hon'ble Court and obtained stay in granting the attendant benefits, in WPMP No.13445 of 2010, dated 13.04.2010 and the same is pending till today.

Learned counsel for the respondent has contended that the Labour Court has rightly passed the award 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 the Labour Court has rightly passed the award. Further, no illegality or irregularity is pointed out by the learned Standing Counsel for the petitioner in the award passed by the Labour Court. Unless and until any illegality or irregularity is pointed out by the learned Standing Counsel for the petitioner in the award passed by the Labour Court, this Court cannot interfere with the findings of the Labour Court. There are no merits in the writ petition and the writ petition is liable to be dismissed.

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

ABHINAND KUMAR SHAVILI, J

3rd December, 2018

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