

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 12350 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.181 of 1998 on the file of the 1st respondent - Labour Court and quash the award dated 30.08.2001 passed therein insofar as denying attendant benefits and back wages and further imposing punishment of deferment of four annual increments to the petitioner with cumulative effect, holding it as illegal and arbitrary. A consequential direction is also sought to grant attendant benefits, back wages and annual increments to the petitioner.

Heard Sri G. Ravi Mohan, learned counsel for the petitioner, and Sri A. Ramarao, learned standing counsel for APSRC appearing on behalf of the 2nd respondent.

It has been contended by the petitioner that he was appointed as Driver in the 2nd respondent corporation in the year 1998. While he was conducting a bus on 13.04.1992, an accident took place. The respondent corporation construed the said incident as misconduct, and after initiating disciplinary proceedings and conducting a detailed enquiry, the disciplinary authority imposed a punishment of removal on him for the proven misconduct vide orders dated 04.11.1992. Aggrieved thereby, he unsuccessfully preferred an appeal and a review, and thereafter, raised an Industrial dispute before the 1st respondent - Labour Court in I.D.No.181 of 1998 under Section 2-A (2) of the Industrial Disputes Act, 1947. The

Labour Court passed an award in his favour on 30.08.2001 by setting aside the order of termination and directing that he be reinstated with continuity of service, but without back wages. But, the Labour Court further imposed punishment of deferment of four annual increments with cumulative effect. Aggrieved by the denial of back wages and further imposition of punishment of deferment of four annual increments with cumulative effect, he filed the present writ petition.

Learned counsel for the petitioner has contended that when the Labour Court exercised its power under Section 11-A of the Industrial Disputes Act, it ought to have set aside the entire punishment instead of denying back wages and further imposing punishment of deferment of four annual increments.

On the other hand, learned standing counsel for the respondent corporation has contended that though the corporation established the charges levelled against the petitioner, taking a lenient view, while exercising its power under Section 11-A of the Industrial Disputes Act, the Labour Court had passed the award in favour of the petitioner. Therefore, the impugned award does not warrant any interference.

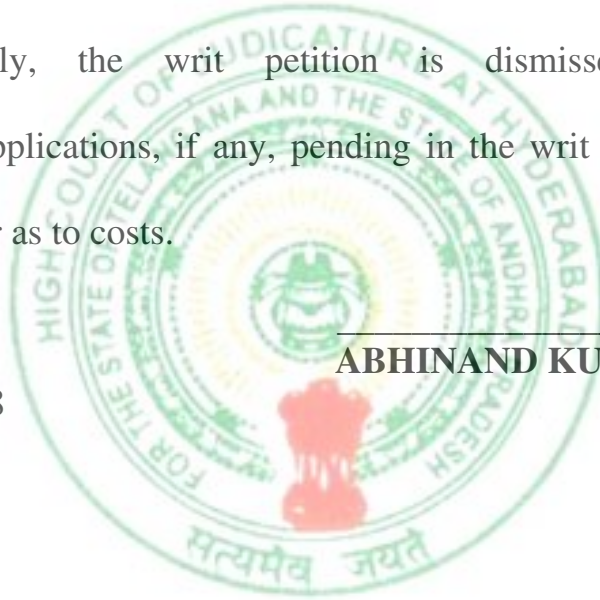
Having considered the submissions made by the learned counsel on either side and perused the record, this Court is of the considered view that though the respondent corporation established the charges leveled against the petitioner, taking into consideration the service put in by the petitioner and the corporation did not point out any previous misconduct of the

petitioner, the Labour Court in exercise of its power under Section 11-A of the Industrial Disputes Act rightly passed the award in favour of the petitioner and the same does not warrant any interference. Further, no illegality or irregularity is pointed out by the learned counsel for the petitioner in the award of the Labour Court. Unless and until any grave irregularity or illegality is pointed out by the learned counsel for the petitioner in the impugned award, 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.

5th October, 2018
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ABHINAND KUMAR SHAVILI, J



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No. 12350 of 2004
(dismissed)

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