

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 21365 of 2005

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.285 of 1998 on the file of the 1st respondent and quash the order dated 26.10.2004 passed therein holding it as illegal and arbitrary. A consequential direction is also sought to reinstate the petitioner into service with continuity of service, attendant benefits and back wages.

Heard Sri G. Ravi Mohan, learned counsel for the petitioner, and Sri P. Durga Prasad, learned standing counsel for APSRTC appearing on behalf of the 2nd respondent.

It has been contended by the petitioner that he was appointed as Conductor in the 2nd respondent corporation in the year 1985. While he was conducting a bus on 10.07.1997, the checking officials of the 2nd respondent conducted a check and found that he had indulged in cash and ticket irregularities. The 2nd respondent construed the said conduct as misconduct and issued a charge sheet against him on 19.07.1997, for which he gave an explanation denying the charges. Not satisfied with his explanation, the 2nd respondent ordered a regular departmental enquiry. Though there was no evidence on record and without following the principles of natural justice, the enquiry officer submitted his report on 18.03.1998. Basing on which, a show cause notice of removal dated 16.05.1998 was issued, for which he gave an

explanation. Not satisfied with his explanation, the 2nd respondent issued proceedings dated 25.05.1998 terminating his services. Questioning the same, he preferred an appeal and a review before the competent authorities which were also rejected and, thereafter, filed I.D.No.285 of 1998 on the file of the 1st respondent. The 1st respondent dismissed the said I.D. vide order dated 16.03.2005. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner has contended that the Labour Court without appreciating any of the contentions raised by the petitioner had mechanically dismissed the I.D. and declined to exercise its powers under Section 11-A of the Industrial Disputes Act.

On the other hand, learned standing counsel for the 2nd respondent has contended that the disciplinary authority has rightly imposed the punishment of removal of petitioner from service and the Labour Court has also rightly declined to grant any relief under Section 11-A of the Industrial Disputes Act. 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 no illegality or irregularity has been pointed out in the orders passed by the Labour Court, and unless and until grave irregularity is pointed out by the learned counsel for the petitioner, this Court cannot interfere with the impugned award. There are no merits in the writ petition.

Therefore, 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

4th September, 2018
cbs



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Writ Petition No. 21365 of 2005
(dismissed)

4th September, 2018

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