

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 28127 of 2005

ORDER:-

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to the Award dated 18.08.2005 in I.D.No. 251 of 2003 passed by the Industrial Tribunal-cum-Labour Court, Anantapur and quash the same by holding it as illegal and arbitrary.

Heard Sri A. Rama Rao, learned Standing Counsel for the petitioner and Sri T.C.Krishnan, learned counsel for the 2nd respondent –workman and perused the material placed on record.

The brief facts of the case are that the 2nd respondent was initially appointed as Conductor in 1981. While he was conducting the bus on 22.01.2003, checking officials of the petitioner-Corporation inspected the bus and found that the 2nd respondent had indulged in cash and ticket irregularities, and accordingly, charge sheet was issued, and after conducting regular departmental enquiry, the petitioner – Corporation had imposed punishment of removal from service for the proven misconduct, vide orders dated 08.07.2003. Thereafter, the 2nd respondent unsuccessfully preferred an appeal and review. Later, the workman filed I.D.No. 251 of 2003, and the Labour Court, by the impugned Award, set aside

the order of removal, and consequently, the 2nd respondent was directed to be reinstated into service, however without back-wages and attendant benefits. Challenging the same the present writ petition is filed.

The learned Standing Counsel has contended that the Labour Court, without appreciating the fact that the charges leveled against the 2nd respondent were proved in the departmental enquiry, ought not to have set aside the orders of removal passed by the petitioner and prays to allow the writ petition.

The learned counsel for the 2nd respondent-workman contends that the Labour Court had exercised its power under Section 11-A of the Industrial Disputes Act, 1947 and passed the Award in favour of the 2nd respondent, and in fact, the Corporation has reinstated the workman into service, and when no illegality is pointed out in the Award of the Labour Court, normally Court should not interfere with it.

This Court, having considered the rival submissions of both the parties, is of the opinion that once the Labour Court exercised its power under Section 11-A of the Act and grants relief in favour of the 2nd respondent, then burden lies on the petitioner - Corporation to point out any grave illegality or perversity in the impugned Award, and in fact, no illegality has been pointed in the Award.

Hence, the writ petition is devoid of any merit, and the same is accordingly dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

ABHINAND KUMAR SHAVILI, J

29.08.2018

bcj

