

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 21189 of 2009

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.20 of 2008 on the file of the 1st respondent - Labour Court and quash the award dated 29.12.2008 passed therein by the Labour Court setting aside the order of punishment imposed on the 2nd respondent, holding it as illegal and arbitrary.

Heard Sri B. Mayur Reddy, learned standing counsel for TSRTC appearing on behalf of the petitioner, and Sri P. Venkateswara Rao, learned counsel for the 2nd respondent-workman.

It has been contended by the petitioner corporation that the 2nd respondent was appointed as Driver in the corporation in the year 1997. While he was conducting a bus on 08.11.1997 he caused an accident. The said incident was construed as misconduct and after initiating disciplinary proceedings, the corporation imposed on the 2nd respondent punishment of deferment of annual increment for two years with cumulative effect vide order dated 22.04.1998. Questioning the same, the 2nd respondent did not prefer an appeal and after keeping quiet for nearly ten years, he approached the Conciliation Officer for settlement. As the conciliation talks were failed, the Government made a reference before the 1st respondent-Labour Court under Section 10 (1) (d) of the Industrial Disputes Act for determination of the issue, which was numbered as I.D.No.20 of 2008. The Labour Court, without properly appreciating the contentions raised by the petitioner

corporation, passed an award dated 29.12.2008 in favour of the 2nd respondent setting the order of punishment. The same is challenged in this writ petition.

Learned standing counsel for the petitioner corporation has contended that as per the CC&A Regulations of the corporation, no enquiry needs to be conducted before imposing the punishment and, hence, the Labour Court ought not to have interfered with the order of punishment imposed on the 2nd respondent.

Learned counsel for the 2nd respondent has contended that following the law laid down by the Hon'ble Supreme Court, the Labour Court passed the award in favour of the 2nd respondent and no illegality has been committed by it in passing the impugned award warranting interference of this Court.

This Court, having considered the submissions made by the learned counsel on either side and perused the record, is of the considered view that the Labour Court gave specific findings and rightly passed the impugned award in favour of the 2nd respondent. Further, no illegality or irregularity has been pointed out in the award by the learned standing counsel for the petitioner corporation. Unless and until any illegality or irregularity is pointed out in the 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 petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

12th October, 2018
cbs



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Writ Petition No. 21189 of 2009
(dismissed)

12th October, 2018

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