

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 20814 of 2002

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.146 of 1999 on the file of the Labour Court, Hyderabad, and quash the award dated 07.03.2002 passed therein holding it as illegal and arbitrary.

2. Heard Sri N. Vasudeva Reddy, learned standing counsel for APSRTC, appearing for the petitioners, and Sri G. Ravi Mohan, learned counsel for the 1st respondent workman.

3. It has been contended by the petitioner corporation that the 1st respondent was appointed as a Driver in the corporation in January, 1986. Subsequently, a charge sheet was issued to him alleging that he submitted bogus residential and caste certificates, for which he submitted explanation. Thereafter, the petitioner corporation conducted an enquiry into the charges and the enquiry officer submitted his report, basing on which, the petitioner corporation issued a show cause notice dated 13.07.1987 to the 1st respondent, but he failed to submit explanation. On fresh consideration of the material on record, the disciplinary authority came to a conclusion that the charges were proved and passed the final order dated 03.09.1987 removing the 1st respondent from service. The order of removal was confirmed by the appellate and reviewing authorities vide orders dated 29.02.1988 and 15.09.1988 respectively. After

lapse of 11 years, the 1st respondent filed I.D.No.146 of 199 on the file of the Labour Court, Hyderabad, under Section 2-A (2) of the industrial Tribunal Act. The Labour Court passed award dated 07.03.2002 in favour of the 1st respondent directing the petitioner corporation to reinstate him into service with continuity of service, but without back wages and attendant benefits. Aggrieved by the same, the present writ petition is filed.

4. Learned counsel for the 1st respondent has contended that after appreciating the case on merits as well as on proportionality theory, the Labour Court had come to the rescue of the 1st respondent and interfered with the punishment of removal. Therefore, the award of the Labour Court does not warrant any interference from this Court.

5. It is brought to the notice of this Court that the petitioner corporation had complied with the award passed by the Labour Court by reinstating the 1st respondent into service. The Labour Court rightly passed the impugned award in favour of the 1st respondent after giving a specific finding that the employer has no jurisdiction to sit in judgment over the caste certificate issued by the competent authority or conduct enquiry to find out whether the certificate was genuine or not and the certificate can only be cancelled by the higher authorities or by competent authority after conducting enquiry and then only the employer can take disciplinary action against the workman. Therefore, this Court is not inclined to interfere with the award of the Labour Court.

6. 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

30th August, 2018

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Writ Petition No. 20814 of 2002
(dismissed)

30th August, 2018

cbs

