

THE HONOURABLE SMT JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.25169 of 2002

ORDER

This writ petition is filed seeking a writ of certiorari calling for the records relating to the award dated 20.06.2001 passed in I.D.No.53 of 1999 by the Labour Court, Guntur, and to quash the same holding as arbitrary and illegal.

2. Heard Sri P. Durga Prasad, learned Standing Counsel for the petitioner Corporation and Sri P. Govinda Rajulu, learned counsel for the respondent-workman.

3. Learned Standing Counsel for the petitioner Corporation contended that the respondent was appointed as Conductor in the Corporation and while discharging his duties, he has misappropriated the amounts. He contended that after conducting preliminary enquiry, a charge memo was issued against him on 24.07.1997 and after conducting a detailed enquiry, the punishment of removal was ordered vide order dated 18.06.1998. Aggrieved by the same, the respondent has preferred appeal before the Regional Manager, but the same was rejected and thereafter, the respondent filed I.D.No.53 of 1999 before the Labour Court. He contended that the Labour Court, without appreciating the correct facts, has passed the award on 20.06.2001 setting aside the order of removal and directed the petitioner to reinstate the respondent into service with continuity of service with full backwages.

4. Learned counsel appearing on behalf of the respondent-workman contended that the Labour Court has rightly passed the award since the charge framed against the respondent was not proved in the departmental enquiry. He submitted that during pendency of the writ petition, the respondent-workman has expired and even on this ground also, the writ petition is liable to be dismissed.

5. Having considered the rival contentions of the parties, this Court is of the view that the Labour Court has passed a reasoned order by duly setting aside the order of removal and directed reinstatement of the respondent into service with continuity of service with full backwages. When the Labour Court has passed orders in exercise of powers under Section 11-A of Industrial Disputes Act and in the absence of any illegality pointed out by the learned Standing Counsel for the petitioner, this Court cannot interfere with the order passed by the Labour Court and there are no merits in the writ petition.

6. Accordingly, the Writ Petition is dismissed. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

ABHINAND KUMAR SHAVILI, J

13th August, 2018

sj