

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.26554 OF 2008

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the Award dated 22.08.2007 passed in I.D.No.196 of 2004, by the Labour Court, Guntur, and to quash or set aside the same by holding it as arbitrary and illegal.

Heard Sri P.Durga Prasad, learned Standing Counsel appearing for the petitioner-Corporation, Sri P.Govinda Rajulu, learned counsel appearing for the 1st respondent and learned Government Pleader for Labour appearing for the 2nd respondent.

It is the case of the petitioner that the respondent-workman was engaged as casual driver on daily wage basis on 5.7.1990 and his services were regularized with effect from 1.8.1991. On 07-04-1999, it was noticed by the duty security personnel that the respondent-workman was carrying one extra mechanical jack and wheel spanner. His conduct was construed as a misconduct and after conducting regular departmental enquiry and for the proven misconduct, the disciplinary authority had imposed the punishment of deferment of annual increment for a period of two years.

Aggrieved by the same, the respondent-workman preferred an appeal and the appellate authority *vide* order dated 13.02.2000 modified the punishment to that of deferment of annual increment for a period of one year, by treating the suspension period as not on duty. Thereafter, the respondent-workman through union made reference under Section 10-1 (c) of the Industrial Disputes Act, 1947 (for short 'the Act'), which was numbered as I.D.No.196 of 2004. The Labour Court passed Award on 22.08.2007 setting aside the punishment imposed against the respondent-workman. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the respondent-workman contends that while exercising its power under Section 11-A of the Act, the Labour Court has rightly passed the Award in favour of the respondent-workman and hence, no interference is called for and the writ petition is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the Labour Court has rightly passed Award in favour of the respondent-workman. When the petitioner-Corporation has not pointed out any illegality or irregularity in the Award passed by the Labour Court, it is difficult for this Court to interfere with the findings recorded by the Labour Court.

There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

27th August, 2018
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