

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.13947 OF 2003

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 25.11.2000 passed in I.D.No.240 of 1998 by the Labour Court, Guntur, and to quash or set aside the same by holding it as arbitrary and illegal and consequently to direct the respondents to reinstate the petitioner into service with continuity of service, attendant benefits and all consequential benefits.

Heard Sri P.Govinda Rajulu, learned counsel appearing for the petitioner, and learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that he was appointed as a Conductor in the respondent-Corporation on 2-6-1987 and he has been discharging his duties as such. While so, the officials of the respondent-Corporation exercised a check on 04-10-1997 and found that the petitioner had indulged in cash and ticket irregularities. This incident was construed as a misconduct, the respondent-Corporation initiated disciplinary proceedings and after conducting regular departmental enquiry, imposed the punishment of removal from service for the proven

misconduct *vide* proceedings dated 02.02.1998. The appeal and review preferred by the petitioner were also rejected. Challenging the same, the petitioner preferred I.D.No.240 of 19982005 under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short 'the Act') before the Labour Court, Guntur. The Labour Court, passed Award on 25-11-2000 directing the respondent-Corporation to reinstate the petitioner into service, without continuity of service and back wages. Hence, the present writ petition.

Learned counsel appearing for the petitioner submits that in the entire career of the petitioner, except the present charge, no other allegations were levelled against him. He further submits that the Labour Court ought to have reinstated the petitioner into service with continuity of service and back wages.

Learned Standing Counsel appearing for the respondent-Corporation submits that the Labour Court had rightly passed the Award and hence, no interference is called for from this Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that while appreciating the entire material placed before it, the Labour Court has rightly passed the Award by

reinstating the petitioner into service without back wages and without continuity of service and hence, the impugned Award needs no interference by this Court.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

19th September, 2018

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