

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 19016 of 2003

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.31 of 1998, dated 21.09.2001 on the file of the Addl. Industrial Tribunal-cum-Addl.Labour Court, Hyderabad and set aside the order passed by the Addl.Industrial Tribunal dated 21.09.2001, holding it as illegal and arbitrary.

Heard learned counsel for the petitioner and learned standing counsel for the Respondent corporation.

It has been contended by the petitioner that he was appointed as Conductor in the respondent corporation in the year 1985. While he was discharging his duties on 03.06.1997 the checking officials of the respondent corporation conducted a check and found that he had indulged in cash and ticket irregularities. His conduct was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry, the disciplinary authority removed him from service vide orders dated 27.01.1998. Questioning the same, he filed I.D.No.31 of 1998 on the file of the Addl.Industrial Tribunal – cum- Addl.Labour Court, Hyderabad. The Labour Court allowed the petition in part setting aside the order of removal and directing the

respondent corporation to reinstate him into service with continuity of service and attendant benefits, but without back wages. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner has contended that the Labour Court while setting aside the orders of removal ought to have awarded back wages.

On the other hand, learned standing counsel for the respondent corporation has contended that the disciplinary authority has rightly imposed the punishment of removal of petitioner from service and the Labour Court has also rightly modified the punishment of removal to that of reinstatement of petitioner into service with continuity of service and attendant benefits, but without back wages. Therefore, no interference is called for from this Court.

This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that the Labour Court has rightly passed the impugned order. Further, no illegality or irregularity has been pointed out in the orders passed by the Labour Court, and unless and until grave irregularity is pointed out by the learned counsel for the petitioner, this Court cannot interfere with the impugned award. The writ petition is devoid of merits and the same is liable to be set aside.

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

26th December, 2018

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