

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13716 of 2005

ORDER:

This writ petition is filed seeking the following relief:

“For the reasons stated in the accompanying Affidavit, this Hon'ble Court may be pleased to issue an appropriate writ, order, or direction, more particularly one in the nature of writ of certiorari, calling for the relates relating to the Award in ID No: 267/2003 Dt.3-9-2004, on the file of Industrial Tribunal cum Labour Court, Ananthapur, and set aside the same, and to pass such other order or orders just and necessary in the circumstances of the case”.

Heard learned Standing Counsel for petitioner-Corporation and learned Counsel for the 2nd respondent-workman.

It has been contended by the petitioner-Corporation that the 2nd respondent-workman while working as Casual Driver in APSRTC in B.KOTHAKOTA Depot, collected Rs.20/- for issuing Bus Pass from the students instead of requisite fee of Rs.10/-. In this regard the students also lodged complaint and a preliminary enquiry has been conducted. Basing on the report of the preliminary enquiry officer, a show cause notice of removal Dt.12-10-2000 was served on the workman. He submitted his explanation stating that he collected Rs.20/- as per the instructions of the Depot Clerk and handed over entire amount to the Depot Clerk. Since the workman accepted the guilt, he was removed from service on 3-11-2000. The appeal and review were also rejected. Challenging the same, the 2nd respondent raised an industrial dispute in I.D.No.267/2003 before the Labour Court, Ananthapur. On an erroneous consideration, the Labour

Court, Ananthapur, passed the impugned award dated 3-9-2004 setting aside the impugned order directing the Corporation to reinstate the workman into service with continuity of service and back wages. Aggrieved thereby, the present writ petition is filed by the petitioner-Corporation.

Learned Counsel for the 2nd respondent has contended that the Labour Court has rightly passed the award in favour of the 2nd respondent and, therefore, no interference is called for.

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 award in favour of the 2nd respondent. Further, no illegality or irregularity is pointed out by the learned Standing Counsel for the petitioner-Corporation in the award passed by the Labour Court. Unless and until any illegality or irregularity is pointed out by the learned Standing Counsel for the petitioner-Corporation in the award passed by the Labour Court, this Court cannot interfere with the findings of the Labour Court. There are no merits in the writ petition and the writ petition is liable to be dismissed.

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

21st December, 2018
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