

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5302 of 2004

ORDER:

This writ petition is filed seeking a writ of Certiorari calling for the records relating to and connected with the Award in I.D.No.126 of 2001, dated 26.08.2003, passed by the Labour Court, Warangal and quash the same as arbitrary and illegal.

Heard Sri B.Mayur Reddy, learned Standing Counsel for the petitioner and Sri P.Sreedhar Rao, learned counsel for the 1st respondent-workman.

It has been contended by the learned Standing Counsel for the petitioner that the 1st respondent was employed as a Conductor and while he was discharging his duties during the month of July 2000, the checking officials of the petitioner have conducted a check and found that the 1st respondent had indulged in cash and ticket irregularities and the said conduct of the 1st respondent-workman was construed as misconduct. Disciplinary Authority has initiated disciplinary proceedings and after conducting detailed inquiry, the disciplinary authority has imposed the punishment of removal, vide proceedings dated 14.11.2000 for the proven misconduct in the inquiry. Thereafter, the 1st respondent-workman had preferred appeal and review unsuccessfully and filed I.D.No.126 of 2001 under Section 2-A (2) of the Industrial Disputes Act. The Tribunal, vide orders dated 20.08.2003, was pleased to pass orders in favour of the 1st respondent-workman by setting aside the orders of removal dated 14.11.2000 and directed that the 1st respondent-workman be reinstated

into service with continuity of service and back wages upto 50% without any attendant benefits. Challenging the same, the present writ petition is filed.

Learned Standing Counsel for petitioner submits that whenever the allegations of cash and ticket irregularities are there, the Labour Court ought not to have granted back wages and contend that when any person indulges in cash and ticket irregularities, the Corporation would be losing confidence and trust on such employee and the question of reinstating such employee who indulged in cash and ticket irregularities, would not arise. The Labour Court, without appreciating any of the contentions raised before it, passed orders in favour of the 1st respondent-workman and contended that the writ petition be allowed and orders of Labour Court be set aside.

Learned counsel appearing for the 1st respondent-workman has contended that the Labour Court has re-appreciated the evidence and set aside the findings of inquiry officer in respect of Charges 1 to 3. The Labour Court has specifically gave a finding that it is not proved that the 1st respondent-workman collected the fare amount and failed to issue tickets to the passengers and on re-appreciation of entire evidence, the Tribunal has rightly passed orders in exercise of powers under Section 11-A of the Industrial Disputes Act and gave a finding that the charges levelled against the 1st respondent-workman are not proved. The learned counsel further contended that no grave irregularity or illegality has been pointed out by the petitioner, so as to interfere with the orders passed by the Labour Court.

This Court, having considered the rival submissions of the parties, is of the considered view that the Labour Court has rightly passed orders in favour of the 1st respondent-workman by re-appreciating the evidence and gave a specific finding that the charges levelled against the petitioner are not proved. When the Labour Court has come to a conclusion on re-appreciation of evidence that the charges levelled against the petitioner are not proved, the only option for the Labour Court is to grant relief in exercise of its powers under Section 11-A of the Industrial Disputes Act.

In view of above, there are no merits in the writ petition and the same is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

12th December 2018

ajr

