

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26857 of 2008

ORDER:

This Writ Petition is filed seeking a writ of Certiorari calling for the records relating to order, dated 27.02.2008, in I.D.No.2 of 2007 passed by the Labour Court-III, Hyderabad, and quash or set aside the same holding it as arbitrary and illegal.

2. Heard Sri B.Mayur Reddy, learned Standing Counsel for the petitioner-Corporation and learned Government Pleader for Labour.

3. It has been contended by the petitioner-Corporation that the 1st respondent was engaged as casual driver in January, 1993 and while he was discharging his duties as such, in December, 2005, he was involved in a fatal accident and the said conduct of the 1st respondent was construed as a misconduct and the petitioner-Corporation after conducting detailed enquiry for the proven misconduct, had imposed a punishment of removal from service on 29.06.2006. Thereafter, the 1st respondent is unsuccessful preferred appeal and thereafter, filed I.D.No.2 of 2007 before the Labour Court-III, Hyderabad, under Section 2-A (2) of the Industrial Disputes Act and the Labour Court vide order, dated 27.02.2008 had set aside the order of removal and directed the petitioner-Corporation to reinstate the 1st respondent into service with continuity of service with full back wages and other attendant benefits. Challenging the same, the present Writ Petition is filed.

4. It has been contended by the learned Standing Counsel for the petitioner-Corporation that disciplinary authority imposed

punishment of removal for the proven misconduct and the Labour Court had mechanically passed orders in favour of the 1st respondent.

5. It has been contended by the 1st respondent that the Labour Court has rightly passed orders in his favour and no illegality or irregularity has been pointed out by the petitioner-Corporation so as to interfere with the orders passed by the Labour Court and there is no merit in the writ petition and accordingly, the writ petition is liable to be dismissed.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that the Labour Court has rightly passed orders in favour of the 1st respondent and no illegality or irregularity has been pointed out by the petitioner-Corporation. Until and unless some grave irregularities are pointed out in the order passed by the Labour Court, this Court cannot interfere with the impugned order. Therefore, there are no grounds in the writ petition and the same is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. Miscellaneous petitions pending if any, shall stand closed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

OCTOBER 24, 2018

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Date:24.10.2018

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