THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.7276 OF 2009

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking to issue writ of Certiorari calling for the records connected to I.D.No.21 of 2007, dated 08.08.2008 passed by the Additional Industrial Tribunal-cum-Addl. Labour Court, Hyderabad and quash the same.

2. Heard Mr.N.Vasudeva Reddy, learned standing counsel for petitioner-corporation and Sri P.Venkateswara Rao, learned counsel for the respondent.

3. It has been contended by the learned counsel for the petitioner that the respondent was engaged as conductor during January, 2001. While he was discharging duties during September, 2004, he had indulged in cash and ticket irregularities and the said conduct of the respondent was construed as misconduct by the disciplinary authority and after initiating regular departmental enquiry and for the proved misconduct in the enquiry, the respondent was imposed punishment of removal from service, vide orders, dated 17.05.2005. Thereafter, the respondent was unsuccessful in the appeal and review. Thereafter, he filed I.D.No.21 of 2007 and the Industrial Tribunal, vide orders, dated 08.08.2008 was pleased to allow the I.D. No.21 of 2007 directing the petitioner herein to reinstate the respondent with continuity of service and other attendant benefits including back wages, but with punishment of deferment of two increments with cumulative effect. Challenging the same, the present writ petition is filed.

4. It has been contended by the learned counsel for the petitioner that the Labour Court has erroneously passed

orders in favour of the respondent. The disciplinary authority has rightly imposed punishment of removal from service for the proved misconduct in the enquiry and the Labour Court ought not to have interfered with the orders of removal of the respondent from service.

5. Learned counsel for the respondent contended that the Labour Court had rightly passed the orders in favour of the respondent and no illegality or irregularity has been pointed out in the orders passed by the Labour Court. Unless and until any irregularity is pointed out, this Court cannot interfere with the orders passed by the Labour Court in exercise of power under Section 11-A of Industrial Disputes Act, 1947 and came to the rescue of the respondent on the ground of proportionality and no illegality has been committed in allowing I.D.No.21 of 2007.

6. This Court having considered the rival contentions made by both parties, is of the considered view that the Labour Court has rightly passed the orders in favour of the respondent in exercise of powers under Section 11-A of the Industrial Disputes Act, 1947 and no illegality or irregularity has been pointed out by the petitioner in the orders passed by the Labour Court. This Court is not inclined to interfere with the orders passed by the Labour Court. Therefore, the writ petition is liable to be dismissed.

7. Accordingly, the writ petition is dismissed. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

DATED: 10-10-2018
Hsd