

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 19827 of 2009

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.255 of 2003 on the file of the Labour Court, Anantapur, and quash the award dated 30.05.2007 passed therein holding it as illegal and arbitrary.

2. Heard Sri A. Ramarao, learned standing counsel for APSRTC, appearing for the petitioner corporation, and Sri G. Ravi Babu, learned counsel for the 1st respondent workman.

3. It has been contended by the petitioner corporation that the 1st respondent was appointed as a Mechanic in the corporation in the year 1987. While so, on 04.06.2002 the 1st respondent had indulged in theft of scrap and his conduct was construed as misconduct. After conducting a preliminary enquiry and basing on the material on record, the corporation suspended the 1st respondent from service on 03.07.2002 and issued a charge sheet to him on the same day. After completion of regular enquiry, the Enquiry Officer submitted a detailed enquiry report on 06.11.2002 holding the charge leveled against the 1st respondent as proved. Thereupon, the petitioner corporation issued a show cause notice of removal from service, for which the 1st respondent submitted explanation and, finally, the 1st respondent was removed from service vide proceedings dated 25.01.2003. Challenging the same, the 1st respondent had

unsuccessfully preferred an appeal and a review and, thereafter, filed I.D.No.255 of 2003 on the file of the Labour Court, Anantapur, under Section 2-A (2) of the Industrial Disputes Act, 1947. The Labour Court passed an award dated 30.05.2007 in favour of the 1st respondent directing the petitioner corporation to reinstate the 1st respondent into service with continuity of service, but without back wages. The same is questioned in this writ petition.

4. Learned counsel for the 1st respondent has contended that after appreciating the case on merits as well as on proportionality theory, the Labour Court had come to the rescue of the 1st respondent and interfered with the punishment of removal. Therefore, the award of the Labour Court does not warrant any interference from this Court.

5. A perusal of the record shows that on 17.09.2009, while admitting the writ petition, this Court passed an interim order in WPMP No.25857 of 2009 suspending the impugned award, only to the extent of payment of attendant benefits. It is brought to the notice of this Court that pursuant to the interim orders, the petitioner corporation reinstated the 1st respondent workman into service. As can be seen from the impugned award, it is obvious that while exercising the powers under section 11(A) of the I.D. Act, the Labour Court had interfered with the punishment of removal and rightly awarded reinstatement and continuity of service while rejecting back wages to the 1st respondent. Until and unless some grave 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 finding of the Labour Court. There are no merits in the writ petition.

6. Therefore, 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

28th August, 2018
cbs



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Writ Petition No. 19827 of 2009
(dismissed)

28th August, 2018

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