

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 9082 of 2011

ORDER:-

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to the Award dated 18.03.2010 in I.D.No. 73 of 2000 passed by the Industrial Tribunal-cum-Labour Court, Anantapur and quash the same by holding it as illegal and arbitrary.

Heard Sri A. Rama Rao, learned Standing Counsel for the petitioner and Sri B. Ravi Mohan, learned counsel for the 1st respondent and perused the material placed on record.

The brief facts of the case are that the 1st respondent was initially engaged as Conductor in 1984. While he was conducting the Bus during 1997, checking officials of the petitioner-Corporation inspected the bus and found that the 1st respondent had indulged in cash and ticket irregularities, and accordingly, charge sheet was issued. After conducting regular departmental enquiry, the petitioner – Corporation imposed punishment of removal from service for the proven misconduct by orders dated 27.06.1998. Thereafter, the 1st respondent unsuccessfully preferred an appeal and review and later filed I.D.No. 73 of 2000, and the Labour Court, by the impugned Award, set aside the order of removal, and consequently, the 1st respondent was directed to be

reinstated into service, however without back-wages and attendant benefits. Challenging the same the present writ petition is filed.

The learned Standing Counsel has contended that the Labour Court, without appreciating the fact that the charges leveled against the 1st respondent were proved in the departmental enquiry, ought not to have set aside the orders of removal passed by the petitioner and prays to allow the writ petition.

The learned counsel for the 1st respondent contends that the Labour Court has exercised its power under Section 11-A of the Industrial Disputes Act, 1947 and passed the Award in favour of the 1st respondent, and in fact, the petitioner has reinstated the 1st respondent into service and when no illegality is pointed out in the Award of the Labour Court normally Court should not interfere with such orders.

This Court, having considered the rival submissions of both the parties, is of the opinion that once the Labour Court has exercised its power under Section 11-A of the Act and grants relief in favour of the 1st respondent then burden lies on the management to point out any grave illegality or perversity passed in the Award, and as a matter of fact, no illegality has been pointed in the Award.

Hence, the writ petition is devoid of merit, and the same is accordingly, dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

ABHINAND KUMAR SHAVILI, J

29.08.2018

bcj

