

THE HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26688 of 2003

ORDER:

This writ petition is filed seeking to issue a writ of Certiorari calling for the records connected with I.D.No.93 of 1999 on the file of the Labour Court, Guntur and quash the award dated 31.12.2002 passed therein by holding it as arbitrary and illegal.

Heard Sri P.Durga Prasad, learned standing counsel for petitioner Corporation and Sri P.Govinda Rajulu, learned counsel for 1st respondent-workman.

It has been submitted by the petitioner Corporation that the 1st respondent-workman was appointed as Conductor in the year 1987. On 1.6.1996, while the 1st respondent-workman was conducting bus bearing No.8922, the officials of the petitioner Corporation had conducted a surprise check and found that the 1st respondent-workman had indulged in cash and ticket irregularities. The petitioner Corporation had construed the said conduct of the 1st respondent-workman as misconduct and initiated departmental proceedings against the 1st respondent. After conducting a detailed enquiry, the petitioner Corporation had imposed punishment of removal on the 1st respondent-workman vide order dated 27.9.1996. Thereafter, the 1st respondent-workman preferred appeal and review petition, which were rejected on 13.12.1996 and 27.1.1997 respectively. It has been further submitted by the petitioner Corporation that the 1st respondent-workman had filed I.D.93 of 1999 before the Labour Court under Section 2-A(2) of the Industrial Disputes Act. The

Labour Court had passed award on 31.12.2002 and set aside the removal order by granting continuity of service with full back wages and pensionary benefits. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the 1st respondent-workman contended that the 1st respondent-workman retired from service at the time of filing of the I.D. and the petitioner Corporation had imposed a major penalty at the fag end of his service. Learned counsel further contended that the Labour Court while passing award in favour of the 1st respondent had given a specific finding that the enquiry conducted by the petitioner Corporation was illegal and vitiated by improper framing of charges and set aside the removal order.

This Court having considered the submissions made by the parties is of the considered view that the Labour Court had rightly exercised its power under Section 11-A of the I.D. Act and passed award in favour of 1st respondent-workman and no irregularity has been pointed out by the petitioner Corporation to interfere with the award passed by the Labour Court. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly the Writ Petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 21/08/2018
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