

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.15443 of 2004

ORDER:

This writ petition is filed seeking the following relief:

“To issue an order or direction more particularly one in the nature of writ of certiorari by calling for the records relating to and in connection with the award of the Labour Court passed in I.D.No.267 of 2000 dated 12.9.2003 which was published in the Gazette vide G.O.Rt.No.2176 dt.13.11.2003, in confirming the order of removal from service and not granting the wages for the period out of employment by reinstating me into service, and as such quash the award as unjust and illegal, contrary to well established principles of law and consequently direct the respondents herein to reinstate me and to pay the wages for the removal period forthwith along with all benefits and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances.”

Heard Sri S.M.Subhan, learned counsel for the petitioner and Sri A.Rama Rao, learned standing counsel for the 1st respondent corporation.

It has been contended by the petitioner that he was appointed as conductor in the year 1990 in the 1st respondent-corporation. While he was discharging his duties during December, 1998, the checking officials of the 1st respondent corporation had conducted a check and found that the petitioner had indulged in cash and ticket irregularities and the said act of the petitioner was construed as misconduct by the disciplinary authority. The disciplinary authority had initiated disciplinary proceedings and

after conducting a detailed enquiry, the disciplinary authority had imposed a punishment of removal from service for the proven misconduct vide orders dated 27.6.1999. The appeal and revision preferred by the petitioner were also rejected. Thereafter, the petitioner had filed I.D.No.267 of 2000 before the 2nd respondent-Industrial Tribunal-cum-Labour Court, Anantapur, and the 2nd respondent Tribunal had dismissed the I.D. preferred by the petitioner. Challenging the same, the present writ petition is filed.

It has been contended by the learned counsel for the petitioner that the 2nd respondent Tribunal had failed to appreciate any of the contentions raised by the petitioner and mechanically dismissed the I.D. preferred by the petitioner.

Learned standing counsel appearing for the 1st respondent corporation had contended that the disciplinary authority had rightly imposed the punishment of removal on the petitioner for the proven misconduct in the enquiry and no illegality had been committed by the disciplinary authority. Learned standing counsel had further contended that 2nd respondent Tribunal has also rightly dismissed the I.D. preferred by the petitioner.

Considering the submissions made by both the parties, this Court is of the view that the 2nd respondent Tribunal had rightly declined to interfere with the punishment of removal. As no illegality or irregularity has been pointed out in the orders passed by the 2nd respondent Tribunal, this Court is not inclined to reverse the finding of the 2nd respondent Tribunal. Hence, there are no merits in the writ petition.

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

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 20/09/2018
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