

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 11893 of 2005

ORDER:

1. This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.26 of 2000 on the file of the Labour Court-III, Hyderabad, and to quash the order dated 17.04.2002 passed therein only to the extent of denial of 50% back wages from the date of removal.

2. Heard learned counsel for the petitioner and learned standing counsel for the respondent corporation.

3. It has been contended by the petitioner that he was appointed as driver in the respondent corporation in the year 1975 and while he was discharging his duties on 25.01.1999, he caused an accident, and that the respondent Corporation construed said accident as misconduct, initiated disciplinary proceedings. Further, it has been contended by the petitioner that after conducting regular enquiry, the disciplinary authority removed the petitioner from service vide orders dated 17.09.1999, and questioning the same, he filed I.D.No.26 of 2000 before the Labour Court, and the Labour Court allowed the I.D. setting aside the order of removal and directing the respondent corporation to reinstate the petitioner into service with continuity of service, with attendant benefits and full back

wages from the date of suspension till the date of removal. However, the Labour Court awarded 50% back wages only from the date of removal till the date of reinstatement. Challenging the same, the present writ petition is filed.

4. Learned Counsel for the petitioner has contended that the Labour Court while setting aside the orders of removal ought to have awarded full back wages from the date of removal till the date of reinstatement.

5. On the other hand, learned Standing Counsel for the respondent-Corporation has contended that the disciplinary authority has rightly imposed the punishment of removal of the petitioner from service and the Labour Court has taken a lenient view and set aside the punishment of removal and ordered for reinstatement of the petitioner, and therefore, further indulgence is not warranted in this matter.

6. This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that the Labour Court has rightly passed the impugned order. Further, no illegality or irregularity has been pointed out in the orders passed by the Labour Court, and unless and until grave irregularity is pointed out by the learned counsel for the petitioner, this Court cannot interfere with the impugned award.

The writ petition is devoid of merits and the same is liable to be set aside.

7. Accordingly, 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

20th December, 2018
Nn



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Writ Petition No. 11893 of 2005
(dismissed)

20th December, 2018

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