

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 15067 of 2005

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the records related to and connected with the award dated 21.02.2005 in I.D.No.102/2002 on the file of the 1st respondent and to quash the same by holding it as arbitrary and illegal and to grant reinstatement with continuity of service, attendant benefits and back wages to the petitioner.

Heard Sri G.Ravi Mohan, learned counsel for the petitioner and Sri B.Mayur Reddy, learned Standing counsel for the 2nd respondent.

It has been submitted by the learned counsel for the petitioner that he was appointed as conductor in the year 1990 and while he was conducting the bus on 10.03.2001, a team of checking officials conducted a check and found that the petitioner has indulged in cash and ticket irregularities and the 2nd respondent Corporation issued charge sheet on 24.03.2001, for which, the petitioner gave his explanation, and not being satisfied with the same, a detailed enquiry was conducted, and the petitioner was removed for the proven misconduct in the departmental enquiry, vide proceedings dated 08.08.2001. Further, it has been submitted that aggrieved by the removal order, the petitioner preferred appeal before the appellate authority, and the appellate authority rejected the appeal vide order dated 06.12.2001 and challenging the same, the petitioner preferred I.D.No.102/2002 before the 1st respondent-Labour Court under Section 2-A (2) of the Industrial Disputes Act and the said I.D was dismissed. Hence, the petitioner filed this writ petition.

Learned counsel for the petitioner contends that the Labour Court without appreciating the evidence in a proper perspective, dismissed the I.D. on 21.02.2005 holding that the petitioner is guilty of the charges, and that the punishment of removal for the alleged proven conduct is very disproportionate and therefore, the award of the Tribunal warrants interference by this Court.

This Court, having considered the submissions made by both the parties, is of the considered view that ends of justice would be met if the order of removal is modified to that of reinstatement of petitioner into service as a fresh entrant without any back wages, continuity of service and other attendant benefits.

Accordingly, the writ petition is disposed of and the order of removal of the petitioner dated 08.08.2001 is modified to that of reinstatement of petitioner into service as a fresh entrant without any back wages, continuity of service and other attendant benefits. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

26th November, 2018
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