

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 8302 of 2003

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with M.P.No. 9 of 2001 on the file of the 2nd respondent-Labour Court and quash the order dated 16.12.2002 passed therein holding it as illegal and arbitrary.

Heard Sri K. Harinath, learned standing counsel for petitioner and learned counsel for the 1st respondent-workman.

It has been contended by the petitioner corporation that the 1st respondent workman was engaged as Conductor on daily wage basis in the corporation on 06.03.1992. While he was discharging his duties on 26.04.1993 the checking officials conducted a check and found that he had indulged in cash and ticket irregularities. The conduct of the 1st respondent was construed as misconduct and after initiating disciplinary proceedings and conducting a regular enquiry, the 1st respondent was removed from service vide orders dated 12.07.1993. Challenging the same, the 1st respondent filed I.D.No.115 of 1999 on the file of the Labour Court-II, Hyderabad. The Labour Court passed an award dated 28.06.2000 directing reinstatement of the 1st respondent into service without continuity of service and 50% back wages. Thereafter, the 1st respondent moved an application in M.P.No.9 of 2001 before the Labour Court-I, Hyderabad claiming a wages @ Rs.62/- per day for the period he was put off duty from

06.05.1993 to 12.07.1993 with interest at 12% per annum. The Labour Court, on an erroneous view of the matter, held that the 1st respondent is entitled to wages for the period he was put off duty and, accordingly, passed the impugned order directing payment of Rs.4,216/- with interest at 12% p.a. from the date of petition i.e., 02.01.2001 till the date of realization. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 1st respondent has contended that the Labour Court has rightly passed the order in favour of the 1st respondent and, therefore, no interference is called for.

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 order in favour of the 1st respondent. Further, no illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the order passed by the Labour Court. Unless and until any illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the order passed by the Labour Court, this Court cannot interfere with the findings of the Labour Court. There are no merits in the writ petition.

Therefore, 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

5th November, 2018
cbs

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Writ Petition No.8302 of 2003
(dismissed)

5th November, 2018

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