

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22613 OF 2003

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.118 of 2000 on the file of Industrial Tribunal-cum-Labour Court, Ananthapur (for short, 'the Industrial Tribunal') and quash the award, dated 16.12.2002, passed therein holding it as illegal and arbitrary.

2. Heard Sri P.Vinayaka Swamy, learned Standing Counsel, appearing for the petitioner – Corporation, and Sri G.Ravi Mohan, learned counsel, appearing for the 2nd respondent - workman.

3. It has been contended by the petitioner-Corporation that the 2nd respondent workman was appointed as Driver in the Corporation on 12.12.1987; while he was discharging his duties, his vehicle met with an accident on 17.06.1993 and 20 passengers had suffered severe injuries; the said conduct of the 2nd respondent-workman was considered as misconduct, and after conducting departmental enquiry, the petitioner had imposed the punishment of deferment of two annual increments for a period of two years besides recovery of Rs.1,000/-, vide orders dated 03.12.1996, and challenging the same, the 2nd respondent-workman raised an appeal and a review but the same were rejected by the appellate authorities. Aggrieved thereby, the 2nd respondent-workman raised an industrial dispute before the Conciliation Officer in the unit and upon failure of conciliation talks, the appropriate Government has referred the dispute to the Industrial Tribunal under Section 10(1)(C) of the Industrial Disputes Act, 1947 and the same was numbered as I.D. No.118 of 2000; wherein, the Industrial Tribunal, vide orders dated 16.12.2002, was pleased to pass an award in favour of the 2nd respondent-workman

holding that the Depot Manager, Atmakur, was not justified in imposing the punishment of deferment of annual increments for a period of two years with cumulative effect and modified the same to that of deferment of annual increments for a period of two years without cumulative effect. Challenging the same, the present writ petition is filed.

4. Learned standing counsel appearing for the petitioner-corporation contends that appropriate orders be passed by setting-aside the award dated 16.12.2002, passed by the Industrial Tribunal in I.D. No.118 of 2000.

5. Learned counsel appearing on behalf of the 2nd respondent – workman had contended that the Industrial Tribunal has rightly passed orders in his favour and no illegality or irregularity has been pointed by the petitioner in the orders passed by the Industrial Tribunal, and in the absence of any irregularity or illegality, this Court, normally, should not interfere with the orders passed by the Industrial Tribunal.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that the Industrial Tribunal has rightly passed orders in favour of the 2nd respondent – workman and the petitioner could not pointed out any grave irregularity or illegality in the orders passed by the Industrial Tribunal. Hence, this Court is not inclined to interfere with the orders passed by the Industrial Tribunal.

7. There are no merits in the writ petition and the writ petition is, accordingly, dismissed. No order as to costs.

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

ABHINAND KUMAR SHAVILI, J

Date: 18.12.2018.
Dsh

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

190



WRIT PETITION No.22613 OF 2003

Date. 18.12.2018

DSH