

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 21055 of 2006

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with I.D.No.164 of 2004 on the file of the 2nd respondent-Labour Court and quash the award dated 10.03.2004 passed therein holding it as illegal and arbitrary.

Heard Sri N. Vasudeva Reddy, learned standing counsel for TSRTC appearing on behalf of the respondents, and learned counsel for the 1st respondent-workman.

It has been contended by the petitioner corporation that the 1st respondent-workman was appointed as Conductor on daily wage basis in the corporation on 09.05.1996 and, subsequently, his services were regularized. While so, it was noticed that in the year 2000 he had indulged in certain irregularities and the same was construed as misconduct and after initiating disciplinary proceedings and after conducting a detailed enquiry, the disciplinary authority has imposed on him a punishment of removal for the proven misconduct vide orders dated 16.08.2001. Questioning the same, without availing the departmental remedies, the respondent-workman directly approached the Labour Court by way of I.D.No.164 of 2001 under Section 2-A(2) of the Industrial Disputes Act. The Labour Court passed an award on 10.03.2004 in favour of the respondent workman directing his

reinstatement into service with continuity of service, notional increments and other attendant benefits, but without back wages. The same is challenged in this writ petition.

Learned standing counsel for the petitioner corporation has contended that none of the contentions raised by the corporation was appreciated by the Labour Court and the Labour Court had mechanically passed the award in favour of the respondent-workman and, therefore, the impugned award is liable to be dismissed.

Learned counsel for the respondent workman has contended that the Labour Court has rightly passed the award in favour of the respondent workman and no illegality or irregularity has been pointed out by the learned standing counsel in the impugned award, and in the absence of the same, this Court cannot interfere with the award of the Labour Court.

This Court, having considered the submissions made by the learned counsel for the parties and perused the record, is of the considered view that the Labour Court has rightly passed the award in favour of the respondent workman. Further, no illegality or irregularity is pointed out by the learned standing counsel in the award passed by the Labour Court. Unless and until any illegality or irregularity is pointed out by the learned standing counsel in the award passed by the Labour Court, this Court cannot interfere with the

findings of the Labour Court. I find no merits in the writ petition and the same is liable to be dismissed.

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

23rd October, 2018
cbs



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Writ Petition No. 21055 of 2006
(dismissed)

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