

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14593 of 2005

ORDER:

This writ petition is filed seeking a Writ of Certiorari to call for the records related to and connected with orders passed in I.D.No.93 of 2002, dated 11.11.2004 passed by the Labour Court and quash or set aside the same.

Heard Sri B.Mayur Reddy, counsel for petitioner and Sri V.Narasimha Goud, counsel for the 2nd respondent-workman.

It has been contended by the petitioner-Corporation that the 2nd respondent-workman was employed as a Conductor and while he was discharging his duties as Conductor, he had indulged in cash and ticket irregularities. The disciplinary authority had construed the same as misconduct and initiated disciplinary proceedings. The disciplinary authority, after conducting detailed inquiry, had imposed the punishment of removal for proven misconduct, vide orders dated 29.09.2001. Thereafter, the 2nd respondent-workman had unsuccessfully preferred appeal and revision and thereafter challenged the orders of removal by filing I.D.No.93 of 2002 before the Labour Court. The Labour Court, vide orders dated 11.11.2004, set aside the orders of removal and directed that the 2nd respondent-workman be reinstated into service with full back wages and attendant benefits. Challenging the same, the present writ petition is filed.

The learned Standing Counsel appearing for petitioner-Corporation submits that the Industrial Tribunal ought not to have granted back wages

and attendant benefits and the orders of Industrial Tribunal are contrary to law as the 2nd respondent-workman had indulged in cash and ticket irregularities and contend that appropriate orders be passed by setting aside the orders passed by the Industrial Tribunal in I.D.No.93 of 2002.

The learned counsel appearing for the 2nd respondent-workman has contended that the Labour Court had examined the case and gave a specific finding that the charges levelled against the 2nd respondent-workman were not proved and on that ground, the Industrial Tribunal has set aside the orders of removal and directed the petitioner-Corporation to reinstate the 2nd respondent-workman with full back wages and attendant benefits. The petitioner-Corporation could not point out any grave irregularity or illegality in the orders passed by the Tribunal and in the absence of the same, this Court should not normally interfere with the orders passed by the Tribunal. There are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions of the parties, is of the considered view that the Labour Court has rightly passed orders in favour of the 2nd respondent-workman and gave a finding that the charges levelled against the 2nd respondent-workman are not proved. As the charges levelled against the 2nd respondent-workman are not proved, the Labour Court has rightly set aside the orders of removal directing the petitioner-Corporation to reinstate the 2nd respondent-workman with full back wages and attendant benefits. Since the petitioners could not point out any grave irregularity or illegality in the orders passed by the Labour Court, and more over, as the petitioners

could not file any supporting documents to demonstrate before this Court that the Labour Court has erred in arriving at the conclusion that the charges levelled against the 2nd respondent-workman are not proved, in the absence of such material, this Court cannot reverse the findings of Labour Court.

For the aforesaid reasons, there are no merits in the writ petition and the same is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

27th December 2018

ajr

ABHINAND KUMAR SHAVILI, J

