

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18156 OF 2005

ORDER:

1. This writ petition is filed seeking to set aside the impugned award dated 29.1.2005 in I.D.No.101 of 2003 on the file of the 2nd respondent-Labour Court-II, Hyderabad, wherein the petitioner was directed to reinstate the 1st respondent-workman into service with continuity of service and 80% back wages without attendant benefits for the break period.

2. Heard Sri V.T.M. Prasad, learned Standing Counsel for the petitioner-Corporation and Sri A.K. Jaya Prakash Rao, learned Counsel for the 1st respondent-workman.

3. It has been contended by the petitioner-Corporation that the 1st respondent-workman was appointed as a Casual Driver on 12.12.1989, and while he was discharging his duties, on 29.6.2000 he caused an accident, and the same was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority imposed punishment of removal on the 1st respondent vide orders dated 2.5.2001 and challenging the same, the 1st respondent unsuccessfully preferred appeal and review before the competent authorities concerned, and, thereafter, raised an industrial dispute in I.D.No.101 of 2003 on the file of the 2nd respondent – Labour Court under Section 2-A(2) of the Industrial Disputes Act, and the Labour Court

without properly appreciating any of the contentions raised by the corporation, passed award dated 29.01.2005 setting aside the order of removal and directing the corporation to reinstate the 1st respondent into service with continuity of service and 80% back wages. Aggrieved thereby, the present writ petition is filed.

4. Learned Counsel for the 1st respondent has contended that the Labour Court has rightly passed the award in favour of the respondent-workman and, therefore, no interference is called for.

5. This Court, having considered the submissions made by the learned Counsel for the parties, is of the considered view that when once the Labour Court had exercised the power under Section 11-A of the Industrial Disputes Act, unless and until any illegality or irregularity is pointed out by the learned Standing Counsel for the petitioner-Corporation in the award passed by the Labour Court, this Court cannot interfere with the award. There are no merits in the writ petition.

6. 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

13th November, 2018
Nn

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



**Writ Petition No.18156 of 2005
(dismissed)**

13th November, 2018

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