

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 18712 OF 2007

ORDER :

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.53 of 2005 on the file of the 2nd respondent-Additional Industrial Tribunal-cum-Labour Court, Hyderabad and quash the award dated 24.11.2006 passed therein by holding it as illegal and arbitrary.

2. Heard the learned Standing Counsel for the petitioner-corporation and the learned counsel for the respondent-workman.

3. It has been contended by the petitioner-corporation that the 1st respondent-workman was engaged as Casual Conductor on daily wage basis with effect from 23.10.1986 and his services were regularized with effect from 15.07.1987. He was censured several times and his annual increments were deferred 3 times. While the respondent-workman was conducting bus AP 10Z 4679 on route 18V. Sec'bad to V.R.Nagar on 16.9.2003 at about 13.40 hours at stage No.6\7 Rail Nilayam, the checking officials of Regional Enforcement Squad, Hyderabad City Region, exercised a check and detected that the 1st respondent-workman issued tickets to one passenger already issued and accounted despite collecting the less requisite fare from the passengers at their boarding point itself i.e., Taranaka. A charge sheet was issued to the respondent-workman suspending him from service. His conduct was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry and for

the proven misconduct, the disciplinary authority had imposed punishment of removal on the 1st respondent-workman vide orders dated 22.1.2004. Challenging the same, the 1st respondent-workman unsuccessfully preferred an appeal and review before the competent authorities and, thereafter, raised an industrial dispute in I.D.No.53 of 2005 on the file of the 2nd respondent – Additional Industrial Tribunal-cum-Labour Court under Section 2-A(2) of the Industrial Disputes Act. Without appreciating any of the contentions raised by the corporation, the Additional Industrial Tribunal has passed an award dated 24.11.2006 setting aside the order of removal and directing the corporation to reinstate the 1st respondent into service with continuity of service and with 25% back ages and with all other attendant benefits. Aggrieved thereby, the present writ petition is filed.

4. Learned counsel for the petitioner-corporation has contended that the Additional Industrial Tribunal-cum-Labour Court has rightly passed the award in favour of 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 Additional Industrial Tribunal-cum-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 Additional Industrial Tribunal-cum-Labour Court, this

Court cannot interfere with the award. There are no merits in the writ petition.

6. 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

19th November, 2018.

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