

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.13505 of 2004

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.70 of 2000 on the file of the 1st respondent and quash the Award dated 04.02.2003 passed therein holding it as illegal and arbitrary.

Heard Sri G.Vidya Sagar, learned counsel appearing for the petitioner, learned Government Pleader for Labour appearing for the 1st respondent and learned Standing Counsel appearing on behalf of the 2nd respondent.

It is the case of the petitioner that he was appointed as Conductor on daily wage basis on 03.01.1990 and thereafter, his services were absorbed as temporary Conductor on 1.7.1991 and he was discharging his duties as such. While so, on 30-05-1993, a check was exercised by the checking officials and they found that the petitioner had indulged in cash and ticket irregularities. 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 *vide* order dated 16.12.1993. Challenging the same, the petitioner preferred an appeal

before the appellate authority and the same was rejected. Aggrieved thereby, he raised an industrial dispute in I.D.No.70 of 2000 on the file of the 1st respondent–Labour Court-II, Hyderabad, under Section 2-A(2) of the Industrial Disputes Act. The Labour Court passed an Award on 4.2.2003 by setting aside the order of removal, and directing the respondent-Corporation to reinstate the petitioner into service, with continuity of service and all attendant benefits, but without back wages. Aggrieved thereby, the present writ petition is filed.

Learned counsel appearing for the petitioner contends that the Labour Court ought to have granted back wages to the petitioner.

Learned Standing Counsel appearing for the respondent-Corporation contends that the Labour Court has rightly passed the award in favour of the petitioner and, therefore, no interference is called for.

This Court, having considered the submissions made by the learned counsel for the parties, is of the 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 petitioner in the

Award passed by the Labour Court, this Court cannot interfere with the award. There are no merits in the writ petition.

Accordingly, the writ petition is dismissed. No costs.

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

JUSTICE ABHINAND KUMAR SHAVILI

11th December, 2018

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