

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 15680 of 2002

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.121 of 1997 on the file of the 1st respondent-Labour Court and quash the order dated 15.11.2000 passed therein insofar as not granting continuity of service and back wages, holding it as illegal and arbitrary. A consequential direction is also sought to reinstate the petitioner into service with continuity of service and back wages.

Heard learned counsel for the petitioner and learned standing counsel for APSRTC appearing on behalf of the 2nd respondent.

It has been contended by the petitioner that he was appointed as Driver in the 2nd respondent corporation on 03.04.1992. While so, he could not attend his duties from 08.05.1996 to 23.05.1996 due to fever and he informed of the same to the concerned orally. The said act was construed as misconduct and after initiating disciplinary proceedings and after conducting a detailed enquiry, the respondent corporation removed him from service vide orders 09.12.1996. Questioning the same, he unsuccessfully preferred an appeal and, thereafter, filed I.D.No.121 of 1997 on the file of the 1st respondent. The 1st respondent vide order dated 15.11.2000 allowed the petition in part setting aside the order of termination and directing the respondent corporation to reinstate the petitioner as a fresh recruit, without

continuity of service and back wages. Challenging the same, the present writ petition is filed.

On the other hand, learned standing counsel for the 2nd respondent has contended that the disciplinary authority has rightly imposed the punishment of removal of petitioner from service and the Labour Court has rightly modified the said punishment to that of reinstatement of the petitioner as a fresh recruit. Therefore, no interference is called for from this 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 impugned in the writ petition. Further, no illegality or irregularity has been pointed out in the award passed by the Labour Court, and unless and until any grave irregularity is pointed out by the learned counsel for the petitioner, this Court cannot interfere with the impugned award. The writ petition is devoid of merits 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

10th December, 2018
cbs

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Writ Petition No. 15680 of 2002
(dismissed)

10th December, 2018

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