

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.12440 of 2004

ORDER:

This writ petition is filed seeking the following relief:

“For the reasons stated in the accompanying Affidavit, this Hon’ble Court may be pleased to call for the records pertaining to ID No: 221/2001 on the file of the Labour Court, Ananthapur, and quash the award Dt.9-12-2003 by issuing appropriate writ order or direction more particularly one in the nature of Writ of certiorari and pass other order or orders just and necessary in the circumstances of the case”.

Heard the learned Standing Counsel for the petitioner-Corporation and the learned Counsel for the 2nd respondent-workman.

It has been contended by the petitioner-Corporation that the 2nd respondent-workman while working as Mechanic in Rayachoti Depot of APSRTC, absented for duties without prior sanction or intimation. Therefore, the workman was issued with a charge sheet on 15-5-1999. The counsel for the petitioner contends that though the charge sheet was sent to the workman’s residential address, it was returned as undelivered with an endorsement “Party Left Head Quarters”. Therefore an ex-parte enquiry was conducted. Basing on the ex-parte enquiry, a show cause notice of removal was issued and the same was returned undelivered with an endorsement “party left head quarters”. Having no option, the workman was removed from service on 9-8-1999. Aggrieved by the order of removal, the workman filed appeal on 25-7-2001 and the same was rejected as time-barred. The review petition was also dismissed as time

barred. The learned counsel for the petitioner further submits that the 2nd respondent-workman raised an industrial dispute in I.D.No.221 of 2001 on the file of the 1st respondent–Industrial Tribunal-cum-Labour Court, Ananthapur, 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 an award dated 09.12.2003, setting aside the order of removal and directing the corporation to reinstate the claimant into service with continuity of service. However, the claimant shall not be entitled for back wages from the date of removal till 24-7-2001 and he will be entitled for half wages from 25-7-2001 to till date of reinstatement. Aggrieved thereby, the present writ petition is filed by the petitioner-Corporation.

Learned Counsel for the 2nd respondent has contended that the Labour Court has rightly passed the award in favour of the 2nd respondent and, therefore, no interference is called for.

This Court, having considered the submissions made by the learned Counsel for the parties, is of the considered view that the Labour Court has rightly passed the award in favour of the 2nd respondent. Further, no illegality or irregularity is pointed out by the learned Standing Counsel for the petitioner-Corporation in the award passed by the Labour Court. 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 findings of the Labour Court. There are no merits in the writ petition and the writ petition 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

3rd December, 2018
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