

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.32164 of 2010

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.119 of 2008 on the file of the 2nd respondent and quash the award dated 23.04.2010 passed therein holding it as illegal and arbitrary.

Heard Sri K.Madhava Reddy, learned Standing Counsel for APSRTC appearing on behalf of the petitioner and learned Government Pleader for Labour appearing on behalf of the 2nd respondent.

It has been contended by the petitioner corporation that the 1st respondent workman was engaged as casual Conductor on daily wage basis on 2.5.1990. While so, on 30.01.2005, the checking officials exercised a check and found that the 1st respondent-workman 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 on the 1st respondent *vide* order dated 17.06.2005. Challenging

the same, the 1st respondent unsuccessfully preferred an appeal and a review before the competent authorities and, thereafter, raised an industrial dispute in I.D.No.119 of 2008 on the file of the 2nd respondent–Labour Court-I under Section 2-A(2) of the Industrial Disputes Act. The Labour Court without properly appreciating any of the contentions raised by the corporation, passed an award dated 23.04.2010 setting aside the order of removal and directing the corporation to reinstate the 1st respondent into service with continuity of service, but without back wages. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 1st respondent has contended that the Labour Court has rightly passed the award in his favour 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 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.

Therefore, the writ petition is dismissed. No costs.

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

JUSTICE ABHINAND KUMAR SHAVILI

9th November, 2018
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