

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 4498 of 2004

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.192 of 1999 on the file of the 2nd respondent and quash the award dated 28.02.2003 passed therein holding it as illegal and arbitrary.

Heard learned standing counsel for APSRTC appearing on behalf of the petitioner and learned Government Pleader for Labour appearing on behalf of the respondents.

It has been contended by the petitioner corporation that the 1st respondent workman was appointed as Driver in the corporation. While so, the 1st respondent workman committed theft of 1 ½ litre of paint from the depot on 01.12.98 duly cheating the Mechanical foreman, Mahbubnagar and Assistant Depot Clerk, Stores stating that the paint required by the Regional Manager, Mahbubnagar and sneaked through the gate without gate pass. The said conduct of the 1st respondent 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 orders dated 17.07.1999. 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.192 of 2000 on the file of the 2nd respondent – Labour Court 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 28.02.2003 setting aside the order of removal and directing the

corporation to reinstate the 1st respondent into service with continuity of service, all other attendant benefits and 25% 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. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

26th November, 2018
dv

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.12475 of 2002
(dismissed)

11th September, 2018

cbs