

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.17570 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.286 of 2000 on the file of the 2nd respondent and quash the award dated 18.12.2003 passed therein holding it as illegal and arbitrary.

Heard Sri A.Rama Rao, learned Standing Counsel appearing for APSRTC appearing on behalf of the petitioner and learned Government Pleader for Labour appearing on behalf of the 2nd respondent.

It is the case of the petitioner-Corporation that the 1st respondent workman was appointed as Driver in the corporation in the year 1982 and he was working as such. While so, charge sheet dated 26.4.1999 was issued to him on the ground that he had produced bogus educational certificate and also driving licence. 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 13.08.1999. Challenging the same, the 1st respondent preferred

an appeal before the appellate authority and the same was rejected. Thereafter, he raised an industrial dispute in I.D.No.286 of 2000 on the file of the 2nd respondent–Industrial Tribunal-cum-Labour Court, Anantapur, under Section 2-A(2) of the Industrial Disputes Act, 1947. The Labour Court without properly appreciating any of the contentions raised by the Corporation, passed an award dated 18.12.2003 setting aside the order of removal and directing the Corporation to reinstate the 1st respondent into service with continuity of service and 50% back wages. Aggrieved thereby, the present writ petition is filed.

Learned Standing Counsel appearing for the petitioner-Corporation contends that the Labour Court ought not to have granted reinstatement of the petitioner with 50% back wages.

Learned counsel for the 2nd respondent contends that the Labour Court has rightly passed the award in favour of the 1st 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 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

12th December, 2018
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