

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7054 of 2002

ORDER:

This writ petition is filed seeking Certiorari calling for the records relating to and connected with the award dated 12.09.2001 passed in I.D.No.301 of 1999 by the Industrial Tribunal-cum-Addl. Labour Court, Hyderabad and to set aside the same, holding it as arbitrary and illegal and consequently direct the respondents to reinstate the petitioner into service.

2. Heard Sri A.K. Jayaprakash Rao, learned counsel for the petitioner and Sri B. Mayur Reddy, learned standing counsel for the respondent-Corporation.

3. The petitioner was appointed in the year 1985 and while conducting bus on 19.12.1995, a check was conducted by checking officials of the respondent-Corporation, who noticed cash and ticket irregularities. The said conduct was construed as misconduct, disciplinary proceedings were initiated and after regular enquiry, he was dismissed from service on 25.05.1996. Challenging the same, he filed I.D.No.301 of 1999 under Section 2-A (2) of the Industrial Disputes Act, 1947 ("the Act" for brevity) and the learned Tribunal, having considered the entire case, dismissed the said I.D. on 17.09.2001. The Tribunal had perused the records and declined to exercise power under Section 11-A of the Act on the ground that the petitioner was guilty of the alleged misconduct.

4. Learned standing counsel for the respondent-Corporation has contended that the Tribunal has rightly dismissed the I.D., filed by the petitioner and no interference is called for by this Court.

5. This Court, having considered the rival contentions of the parties, is of the considered view that the Tribunal has rightly declined to exercise its power under Section 11-A of the Act and did not interfere with the punishment imposed on the petitioner. Moreover, as can be seen from the cause title, the petitioner must have attained the age of superannuation. At this stage, this Court cannot pass any orders directing reinstatement of the petitioner; more so, when no material is placed to demonstrate that the order passed by the Tribunal is perverse and contrary to law.

6. Writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

As a sequel, miscellaneous petitions, if any pending, shall stand closed.

ABHINAND KUMAR SHAVILI, J

July 26, 2018
MRR