

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITON No. 16565 of 2003

ORDER:

The present writ petition is filed seeking to issue writ of *Certiorari* calling for records pertaining to ID No.111/1999, dated 02.02.2002 published on 14.03.2002 wherein respondent No.2 was directed to be reinstated with continuity of service and 25% of backwages and quash the same.

2. The brief facts of the case are that the petitioners herein are representing the AP TRANSCO and respondent No.2, is the workman. The allegation made against respondent No.2 is that he impersonated one Sri Bandi Ramulu, whose father's name was also happened to be Balaiah. Hence, the Petitioners-Corporation had taken unilateral decision to initiate enquiry against respondent No.2 and thereby suspended him by order dated 29.07.1992. The petitioners-Corporation charge sheeted respondent No.1 on 01.09.1992 which reads thus:

"Sri Bandi Ramulu S/o.Balaiah, R/o.Biknoor, Nizamabad District styled himself as Sri B.Ramulu S/o.Balaiah and reported to have impersonated the name of sri B.Ramulu S/o.Balaiah, R/o.Biknoor, Ex-Casual Labour, Kamareddy Division and managed the Board by taking advantage of false certificates at the time of interview and oral tests at Nizamabad on 18.05.1989 and absorbed himself as Helper -

Whereas he did not work as casual labour at all in Board, he being student of Z.P.P.High School, Biknoor (Date of Birth 1.1.1962) till 26.03.1980, by styling himself as Sri B.Ramulu S/o.Balaiah, had acted as imposter and cheated the organization which constitutes misconduct as per APSE Board (Revised) Conduct Regulations."

3. The grievance of the petitioners-corporation is that respondent No.2 never worked as casual labour but he styled himself as Bandi Ramulu, earlier who worked as Casual Labour during the period 1977-1978, secured employment in the petitioners-corporation. During the enquiry, show cause notice of dismissal came to be issued to respondent No.2 for which respondent No.2 submitted his explanation. The Enquiry Officer after completion of enquiry proceedings found that the charges framed against the respondent No.2 were proved, and by order dated 03.03.1994 the disciplinary authority removed him from service. The respondent No.2 preferred an appeal before the appellate authority, which was rejected on 10.05.1995. Hence, respondent No.2-workman filed a writ petition in WP No.2642 of 1995 before this Court which was also dismissed on 21.1.1999 giving liberty to respondent No.2 to raise appropriate legal proceedings. Respondent No.2 carried the matter before respondent No.1 under Section 2-A(2) of the Industrial Disputes Act, in ID No.111/1999. The Tribunal passed the Award dated 02.02.2002 setting aside the order of

removal and directed the petitioners-corporation to reinstate the petitioner with continuity of service and 25% of back wages. Aggrieved by the same, the petitioners-Corporation filed the present writ petition.

4. Heard Sri Zakir Ali Danesh, learned Standing Counsel for TSNPDCL appearing on behalf of petitioners and Sri A.K.Jaya Prakash, learned counsel for respondent No.2.

5. It has been contended by the learned standing counsel for petitioners-corporation that respondent No.2-workman by impersonation at the time of interview got employment in the corporation, which was found by the corporation as a serious misconduct and rightly conducted disciplinary proceedings and after conducting a detailed enquiry imposed punishment of removal from service and that respondent No.1 without appreciating the material on record in proper perspective, set aside the order of removal passed against respondent No.2 and no relief can be granted in favour of respondent No.2-workman.

6. On the other hand, learned counsel for respondent No.2-workman has contended that petitioners-corporation did not appear before the labour court to contest the case and that respondent No.1-Labour Court by exercising powers conferred under Section 2-A2 of

the Industrial Disputes Act, 1947, has rightly passed order in favour of respondent No.2 by setting the order of removal and reinstated the petitioner with continuity of service and 25% of the back wages.

7. Perused the material available on record as well as the order impugned.

8. On perusal of the order impugned, it is clear that the petitioners-corporation had not even appeared before respondent No.1-Labour Court and contested the case to substantiate its plea of impersonation against respondent No.2, which is the main allegation levelled against him and that thereby the petitioners- Corporation was set ex-parte by the Tribunal. There is no force in the allegations made by the petitioners-corporation. Unless and until some grave irregularity or illegality pointed out or in the absence of any material to that effect, this court cannot interfere with the order impugned.

9. Having heard the rival contentions of both the counsel and considering the material on record, this court is of the view that there are no merits in the writ petition and is liable to be dismissed.

10. Accordingly, the writ petition is dismissed. No costs.

11. Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

5th September, 2018
Mj/l/*

ABHINAND KUMAR SHAVILI, J

