

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 22218 of 2003

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.104 of 2002 on the file of the 2nd respondent-Labour Court and quash the award dated 01.02.2003 passed therein insofar as not granting back wages and attendant benefits, holding it as illegal and arbitrary.

Heard learned standing counsel for the petitioner corporation and learned counsel for the 1st respondent workman.

It has been contended by the petitioner corporation that the 1st respondent workman was appointed as casual Conductor in the corporation on 23.09.1985 and later his services were regularized with effect from 01.01.1986. While so, on the allegation that he submitted bogus caste and residential certificates and he committed cash and ticket irregularities on 28.04.1986, he was removed from service vide orders dated 08.10.1986. Challenging the same, he unsuccessfully preferred an appeal and thereafter filed I.D.No.29 of 1995 before the Labour Court-I, Hyderabad. The Labour Court ordered reinstatement of the workman into service with 75 back wages, continuity of service and attendant benefits. However, it was specifically observed in the award that the Depot Manager is not precluded from initiating action against the workman afresh after collecting necessary material and if it is found that the workman has really submitted bogus certificates, the Depot Manager can take suitable action against him. Pursuant to

which, he was reinstated into service. Thereafter, enquiry was conducted against the workman and basing on the enquiry report, the workman was removed from service dated 16.12.1999 and the same was confirmed by the appellate authority on 13.07.2000. Challenging the same, he filed I.D.No104 of 1992 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 01.02.2003 setting aside the order of removal and directing the corporation to reinstate the workman into service with continuity of service, back wages and attendant benefits. 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 favour of the 1st respondent and, therefore, no interference is called for from this Court.

This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that the Labour Court has rightly passed the award in favour of the 1st respondent. Further, no illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the award passed by the Labour Court. 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. The writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, 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

8th November, 2018

cbs



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Writ Petition No.22218 of 2003
(dismissed)

8th November, 2018

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