

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.8292 OF 2002

ORDER:

This Writ Petition is filed seeking to issue a writ of *Certiorari* calling for the records relating to and connected with the order dated 24.09.2001 passed in I.D. No.134 of 1999 by the Industrial Tribunal-cum-Labour Court at Warangal (for short, 'the Tribunal') and to quash the same by declaring it as illegal, *void* and consequently to direct the respondent to reinstate the petitioner into service with consequential benefits.

2. Heard the learned counsel for the petitioner and Sri B.Mayur Reddy, learned Standing Counsel for the respondent – Corporation.

3. It has been contended by the learned counsel for the petitioner that the petitioner was initially appointed as Conductor on 26.03.1999; and his services were regularized with effect from 09.08.1990. While he was working as Conductor, the checking officials of the respondent – Corporation conducted a check and found that the petitioner had indulged in cash and ticket irregularities. The said conduct of the petitioner was considered as misconduct, and the respondent - Corporation, after initiating the departmental proceedings, removed the petitioner from service *vide* orders dated 01.04.1999. Aggrieved thereby, the petitioner preferred an Appeal and a Review unsuccessfully. Thereafter, he preferred I.D. No.134 of 1999, under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short, 'the Act'), challenging the orders of his removal. The Tribunal, after considering the entire case, passed the Award setting-aside the order of removal dated 01.04.1999 and directed the respondent to reinstate the petitioner as Conductor, afresh, in the regular time scale, however, denied continuity of service and back wages. Further aggrieved, the petitioner preferred the instant Writ Petition

challenging the Award dated 24.09.2001 passed by the Tribunal to the extent of denying him back wages and continuity of service.

4. Learned Standing Counsel appearing for the respondent – Corporation contended that the Tribunal has rightly passed the Award and no further interference is called for from this Court.

5. This Court, having considered the submissions made by the parties, is of the considered view that when once the Tribunal has exercised its power under Section 11-A of the Act, and interfered with the punishment imposed on the petitioner, on the ground that the punishment is disproportionate, and no irregularities have been pointed out in the impugned Award, the instant Writ Petition is liable to be dismissed.

6. Finding no merit in the present Petition, the Writ Petition is, accordingly, dismissed. No costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand dismissed in consequence.

ABHINAND KUMAR SHAVILI, J

Date: 14.08.2018.
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107



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