

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 12230 OF 2004

ORDER :

This Writ Petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to issue a writ or direction or orders particularly one in the nature of writ of certiorari and calling for the records relating to I.D.No.189/2001, dt.17.2.2004 on the file of the Labour Court, Visakhapatnam and quash the same as illegal and arbitrary. The said award was published in G.O.Rt.No.556 dt.2.4.2004 and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case”.

Heard the learned Standing Counsel for petitioner-corporation and the learned counsel for the 1st respondent-workman.

It has been contended by the petitioner-corporation that the 1st respondent workman was appointed as Cleaner on 21-2-1991 and later he was promoted as a Mechanic, while he was on duty on 2-7-2000 at about 23.00 hours he unauthorisedly drove the bus No.AP10z 6302 inside the garage from the maintenance shed to the place of parking and caused fatal accident resulting in the death of one Mallesh, who is a conductor. Based on the preliminary enquiry a charge sheet was issued to the 1st respondent herein by framing 3 charges by putting him under suspension. In his explanation to charge sheet, he denied the occurrence of accident. The Chief Inspector (Enquiries) was nominated as Enquiry Officer for domestic enquiry. The Enquiry Officer conducted the enquiry. In the enquiry, the charges leveled

were proved. The Enquiry Officer sent his report to the Depot Manager for further course of action. The Depot Manager, after going through the enquiry report and the material available with him, came to the conclusion that the 1st respondent herein is responsible for the death of the conductor and issued a show cause notice of removal by calling his explanation. Dissatisfied with the explanation, the Depot Manager has issued the final orders of removal. Afterwards, he filed appeal as well as revision, both were dismissed and following the same, the 1st respondent raised an industrial dispute in I.D.No.189 of 2001 on the file of the 2nd respondent–Industrial Tribunal-cum-Labour Court, Visakhapatnam, under Section 2-A(2) of the Industrial Disputes Act, and the Labour Court, without properly appreciating any of the contentions raised by the corporation, passed orders dated 17.02.2004 allowing the award and the petitioner is ordered to be reinstated into service with continuity of service and full back wages. Aggrieved thereby, the present with petition is filed by the petitioner-corporation.

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.

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 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 in the award passed by the Labour Court, this Court cannot interfere with the findings of the Labour Court. There are no merits in the writ petition and the writ petition 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

3rd December, 2018

GS*

