

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 10483 OF 2003

ORDER :

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.260 of 2001 on the file of the 1st respondent-Industrial Tribunal-cum-Labour Court, Ananthapur, and quash the award dated 28-12-2002 passed therein by holding it as illegal and arbitrary.

2. Heard Sri Aravala Rama Rao, the learned Standing Counsel for APSRTC and the learned Counsel for the respondent-workman.

3. It has been contended by the petitioner-corporation that the 2nd respondent-workman conductor while conducting the bus on route Proddatur to A.C.Palle, a check was exercised by the TTIs of Head Quarters Enforcement Squad, Tadipatri and found 7 (seven) passengers traveling from Vengulavenka to Kammadi, without tickets. It is submitted that the said passengers orally informed that they paid Rs.2-50 Ps., to each passenger and the conductor failed to issue tickets. While so, he had indulged in certain cash and ticket irregularities. His conduct was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had imposed punishment of removal on the 2nd respondent vide orders dated 10.6.1999. Challenging the same, the 2nd respondent unsuccessfully

preferred an appeal and a review before the competent authorities and, thereafter, raised an industrial dispute in I.D.No.260 of 2001 on the file of the 1st respondent-Industrial Tribunal-cum-Labour Court under Section 2-A(2) of the Industrial Disputes Act. Without appreciating any of the contentions raised by the corporation, the Tribunal has passed an award dated 28-12-2002 setting aside the order of removal and directing the corporation to reinstate the 2nd respondent into service with continuity of service, attendant benefits, full back wages and to impose punishment of deferment of annual increments for one year without cumulative effect. Aggrieved thereby, the present writ petition is filed.

4. Learned counsel for the 1st respondent has contended that the Labour Court has rightly passed the award in favour of workman and, therefore, no interference is called for.

5. This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that when once the Labour Court had exercised the power under Section 11-A of the Industrial Disputes Act, 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. There are no merits in the writ petition.

6. Therefore, 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

19th November, 2018

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