

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13192 OF 2008

ORDER:

1. This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.108 of 2005 on the file of Labour Court III, Hyderabad and to quash the award dated 21.5.2007 passed therein by holding it as illegal and arbitrary.

2. Heard Sri B. Mayur Reddy, learned Standing Counsel for the petitioner and Sri P. Govindarajulu, learned Counsel for the respondent-workman.

3. The case of the petitioner is that the first respondent was appointed as driver on 23.3.1997 and on 24.6.2004 while discharging his duties, he caused an accident, and the said incident was construed as misconduct. The petitioner-corporation initiated disciplinary proceedings against the first respondent. After conducting an enquiry, the petitioner imposed the punishment of removal from service on the respondent vide order dated 10.2.2005. Thereafter, the 1st respondent preferred appeal before the appellate authority. The said appeal was also rejected. Thereafter, he filed review petition before the Regional Manager and the same was also rejected. Hence, the 1st respondent preferred I.D. before the

Labour Court under Section 2-A (2) of the Industrial Disputes Act. The Labour Court on 21.5.2007 passed award in favour of the 1st respondent setting aside the order of removal from service and directing the petitioner herein to reinstate the workman into service within one month after publication of the award. However, the Labour Court held that the workman is entitled for continuity of service but without back wages and other attendant benefits. Challenging the same, the petitioner-Corporation filed this writ petition.

4. It has been contended by the learned Standing Counsel for the petitioner-corporation that the Labour Court ought not to have interfered with the punishment of removal as the disciplinary authority imposed the punishment of removal based upon the enquiry report and that the disciplinary authority had not committed any irregularity in imposing the punishment of removal.

5. On the other hand, the learned Counsel for the respondent-workman contended that the Labour Court had exercised its powers under Section 11-A of the Industrial Disputes Act and passed the award in favour of the 1st respondent-workman and the Labour Court had interfered with the punishment of removal on the ground of proportionality theory and set aside the removal

order and that the Labour Court had not committed any irregularity in passing the award impugned.

6. This Court has considered the rival submissions made by the parties and perused the material available on record. The Labour Court has interfered with the punishment and passed award in favour of the respondent-workman and the petitioner-Corporation has complied with the award by reinstating the respondent-workman into service. No illegality or irregularity has been pointed out by the petitioner in the order of the Labour Court. Therefore, this Court is of the view that the award passed by the Labour Court does not warrant any interference.

7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 27.8.2018.

Nn.

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