

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 25390 of 2005

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.84 of 2003 on the file of the 2nd respondent and quash the order dated 16.03.2004 passed therein holding it as illegal and arbitrary.

2. Heard Sri S. V. Ramana, learned standing counsel for APSRTC appearing on behalf of the petitioner, and Sri S. Ravindranadh, learned counsel for the 1st respondent union.

3. It has been contended by the petitioner corporation that one Sri S.S.R.Raju was appointed as Driver in the corporation on 19.01.1997. While he was conducting a bus on 21.06.1997, he caused an accident due to which the driver of an auto succumbed to injuries. The petitioner construed the conduct of the workman as misconduct and issued a charge sheet against him, for which he submitted explanation. Not satisfied with his explanation, an enquiry was ordered and the Enquiry Officer submitted his report on 14.08.1997. Basing on the same, a show cause notice of proposed punishment of removal was issued. Thereafter, a final order was passed on 23.09.1997. Questioning the same, the workman preferred an appeal and the same was rejected. Thereafter, he preferred a review and the reviewing authority modified the order of removal to that of postponement of decasualization for a period of 12 months vide order dated

30.04.1998. Questioning the same, the 1st respondent union referred the dispute to the Conciliation Officer. On failure of conciliation before the Conciliation Officer, the Government referred the dispute to the 2nd respondent-Labour Court under Section 10 (1) (c) of the Industrial Disputed Act, 1947 for settlement. The Labour Court adjudicated the dispute and passed an award on 16.03.2004 setting aside the orders of the reviewing authority. Challenging the same, the present writ petition is filed.

4. It has been contended by the learned standing counsel for the petitioner corporation that the Labour Court ought not to have passed the impugned award in favour of the workman and it had failed to appreciate that the reviewing has already taken a lenient view and modified the punishment of removal to that of postponement of decasualization for a period of 12 months.

5. Learned counsel for the 1st respondent union has contended that the Labour Court has rightly passed the award and no illegality has been committed by the Labour Court. Therefore, no interference is called for from this Court.

6. This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that the Labour Court had rightly passed the award in favour of the workman and no illegality or irregularity has been pointed out by the learned counsel for the petitioner in the award passed by the Labour Court. Unless and until some irregularity is pointed out by the learned

counsel for the petitioner, this Court cannot interfere with the impugned award. There are no merits in the writ petition.

7. 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

4th September, 2018
cbs



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Writ Petition No. 25390 of 2005
(dismissed)

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