

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.8973 OF 2010

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking to issue writ of Certiorari calling for the records connected to I.D.No.102 of 2005, dated 05.06.2009 passed by the Labour Court-I, A.P., Hyderabad and quash the same.

2. Heard Sri N.Vasudeva Reddy, learned standing counsel for petitioner-corporation and Sri P.Venkateswara Rao, learned counsel for the respondent.

3. It has been contended by the learned counsel for the petitioner that the respondent was engaged as temporary conductor on 16.07.1987. While he was conducting the bus during January, 2004, he had indulged in cash and ticket irregularities and said conduct of the respondent was construed as misconduct and after conducting enquiry, the disciplinary authority imposed punishment of removal from service for the proved misconduct in the enquiry on 07.06.2004. The respondent was unsuccessful in the appeal and in the review. Thereafter, he filed I.D.No.102 of 2005 and the Labour Court, vide order, dated 05.06.2009 had erroneously allowed the I.D. preferred by the respondent. The Labour Court failed to appreciate that the disciplinary authority has imposed punishment of removal from service for the proved misconduct in the enquiry and no irregularity is committed by the disciplinary authority and the Labour Court ought not to have set aside the punishment of removal from service. Challenging the orders passed by the Labour Court, this writ petition is filed.

4. It has been contended by the learned counsel for the respondent that the Labour Court had rightly passed the orders in favour of the respondent in exercise of power under Section 11-A of Industrial Disputes Act, 1947 by applying theory of proportionality and no illegality has been committed by the Labour Court in allowing the I.D.

5. This Court having considered the rival contentions made by both parties, is of the considered view that the Labour Court has rightly passed the orders in favour of the respondent in exercise of powers under Section 11-A of the Industrial Disputes Act, 1947 and no illegality or irregularity has been pointed out by the petitioner in the orders passed by the Labour Court. This Court is not inclined to interfere with the orders passed by the Labour Court. Therefore, the writ petition is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

DATED: 10-10-2018

Hsd