

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 14962 of 2003

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.35 of 2002 on the file of the 2nd respondent-Labour Court and quash the award dated 3.12.2002 passed therein holding it as illegal and arbitrary.

2. Heard learned Standing Counsel for petitioner-Corporation and learned Counsel for the 1st respondent-workman.

3. It has been contended by the petitioner-Corporation that the 1st respondent-workman was appointed as Cleaner in the corporation in the year 1989 and he was entrusted with the work of handing over C.O. vehicles of Mancherial depot to the Zonal workshop, Karimnagar and that on 11.09.2000, the 1st respondent-workman took the C.O. vehicle to the Zonal Workshop, Karimnagar and he opened the Radiator and other things and kept them in the bus. It has been contended by the petitioner that on 13.9.2000, the Security Inspector found the radiator in a hotel outside the Zonal workshop, Karimnagar, and on 14.9.2000, the Security Inspector submitted his report, basing on which, charge sheet was issued to the 1st respondent-workman, for which he did not submit his explanation. Further, it has been contended by the petitioner

that after conducting enquiry, the petitioner-Corporation removed the workman from service, and challenging the same, the 1st respondent-workman unsuccessfully preferred an appeal and a review before the competent authorities and, thereafter, raised an industrial dispute in I.D.No.35 of 2002 on the file of the 2nd respondent – Labour Court under Section 2-A(2) of the Industrial Disputes Act, and that the Labour Court without properly appreciating any of the contentions raised by the corporation, passed an award dated 3.12.2002 setting aside the order of removal and directing the corporation to reinstate the 1st respondent into service without continuity of service and without back wages, and aggrieved thereby, the present writ petition is filed by the Corporation.

4. 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.

5. 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 1st respondent. Further, no illegality or irregularity is pointed out by the learned Standing Counsel for the petitioner-Corporation 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-Corporation 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.

6. 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

Dated: 5th November, 2018
Nn



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



**Writ Petition No.14962 of 2003
(dismissed)**

5th November, 2018

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