

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.12546 of 2004

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.132 of 2001 on the file of the 2nd respondent and quash the award dated 2.12.2003 passed therein holding it as illegal and arbitrary.

Heard Sri K.S.Murthy, learned Standing Counsel for APSRTC appearing on behalf of the petitioner and learned Government Pleader for Labour appearing on behalf of the 2nd respondent.

It is the case of the petitioner-Corporation that that the 1st respondent-workman was appointed as Shramik in the Corporation. While so, he committed theft of HSD Oil from Jeep bearing No.AEZ 97 on 21.10.1998 at M/s.Sri Kanaka Durga Industries and sold the same to some one in the petrol Bunk. 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 1st respondent vide orders dated 07.06.2000. Challenging the same, the 1st respondent preferred an appeal before the Chief Mechanical Engineer and the same was rejected.

Questioning the same, he filed I.D.No.132/2001 before the 2nd respondent-Industrial Tribunal-cum-Labour Court, Visakhapatnam, under Section 2-A(2) of the Industrial Disputes Act, 1947. The Labour Court without properly appreciating any of the contentions raised by the Corporation, passed an Award dated 02.12.2003 setting aside the order of removal and directing the corporation to reinstate the 1st respondent into service with continuity of service and with all benefits including back wages. Aggrieved thereby, the present writ petition is filed.

Learned Government Pleader appearing for the 2nd 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.

Having considered the said submissions, this Court is of the considered view that the Labour Court rightly held that the charge levelled against the 1st respondent-workman was unsustainable and was not proved in the enquiry. 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 same.

There are no merits in the writ petition.

Therefore, the writ petition is dismissed. No costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

4th December, 2018
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