

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6863 of 2003

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.35 of 1996 on the file of the Industrial Tribunal-cum-Labour Court, Godavarikhani and quash the Award dated 30.06.2000 passed therein holding it as illegal and arbitrary.

Heard Sri K.Ananth Rao, learned counsel appearing for the petitioner and learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that he was appointed as Conductor in the respondent-Corporation and while he was discharging his duties on 23.04.1995, the checking officials of the Corporation conducted check and alleged that he indulged in cash and ticket irregularities. The respondent-Corporation construing the said act as misconduct initiated disciplinary proceedings against the petitioner, and after conducting enquiry, imposed punishment of removal from service on the petitioner. Challenging the same, the petitioner unsuccessfully preferred an appeal and a review before the competent authorities and, thereafter, raised an industrial

dispute in I.D.No.35/1996 before the Industrial Tribunal-cum-Labour Court, Godavarikhani, under Section 2-A(2) of the Industrial Disputes Act. The Labour Court passed an Award dated 30.06.2000 setting aside the order of removal and directing the Corporation to reinstate the petitioner into service with continuity of service, without back wages. The Labour Court further directed that the petitioner shall be given notional increments and his pay shall be fixed after fixation of notional increments. Aggrieved thereby, the present writ petition is filed.

Learned counsel appearing for the petitioner contends that while setting aside the order of removal, the Labour Court ought not to have denied the back wages.

Learned Standing Counsel appearing for the respondent-Corporation contends that the Labour Court has rightly passed the Award in favour of the petitioner and, therefore, no interference is called for.

This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that 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 petitioner in the Award passed by the Labour Court, this

Court cannot interfere with the Award. 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

15th November, 2018
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