

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.24778 of 2002

ORDER:

This Writ Petition is filed seeking a writ of Certiorari calling for the records relating to the order, dated 08.02.2002, in I.D.No.181 of 1999 passed by the Labour Court-I, Andhra Pradesh, Hyderabad, and quash or set aside the same holding it as arbitrary and illegal.

2. Heard the learned Standing Counsel appearing for the petitioners, learned counsel appearing for the 1st respondent and learned Government Pleader of Labour appearing for the 2nd respondent.

3. It has been contended by the petitioners that the 1st respondent-workman was appointed as Conductor and while he was discharging duties as such, he had indulged in cash and ticket irregularities and the said conduct of the 1st respondent was construed as a misconduct and the petitioner-Corporation after conducting detailed enquiry for the proven misconduct, had imposed a punishment of removal from service on 21.11.1998. Thereafter, the appeal and the review preferred by the 1st respondent were rejected on 09.03.1999 and 16.07.1999 respectively. Challenging the same, the 1st respondent preferred I.D.No.181 of 1999 before the Labour Court-I, Hyderabad, under Section 2-A (2) of the Industrial Disputes Act, 1947, and the Labour Court, without appreciating any of the contentions raised by the petitioners-Corporation, has partly allowed the I.D preferred by the 1st respondent and directed the petitioner-Corporation to reinstate the 1st respondent into service with continuity of service

and also modified the punishment of postponement of two annual grade increments with cumulative effect with 75% of back wages. Challenging the same, the present writ petition is filed.

4. It has been contended by the petitioners that the Labour Court ought not to have interfered with the order of punishment of removal and also ought not to have granted 75% of back wages and other attendant benefits to the 1st respondent; that the Labour Court failed to appreciate that the charges levelled against the 1st respondent were held to be proved in the enquiry.

5. Learned counsel for the 1st respondent contended that the Labour Court has rightly passed orders in favour of the 1st respondent and no illegality or irregularity has been pointed out by the petitioners in the impugned order and hence, he prays to dismiss the writ petition.

6. This Court, having considered the submissions made by the parties, is of the considered view that the Labour Court has rightly passed the orders and when there is no illegality or irregularity has been pointed by the petitioner-Corporation in the impugned order, this Court normally should not interfere with the orders passed by the Labour Court. Therefore, there are no grounds in the writ petition and the same is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

ABHINAND KUMAR SHAVILI, J

OCTOBER 25, 2018

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Date:25.10.2018

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