

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.4123 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.64 of 2001 on the file of the 2nd respondent and quash the Award dated 26.08.2003 passed therein holding it as illegal and arbitrary.

Heard Ms. B.G.Uma Devi, learned Standing Counsel appearing for the petitioner-Corporation, Sri V.Narasimha Goud, learned counsel appearing for the 1st respondent and learned Government Pleader for Labour appearing for the 2nd respondent.

It is the case of the petitioner-Corporation that the 1st respondent-workman was appointed as Conductor on daily wage basis on 15.2.1985. Subsequently, his services were regularized and he was discharging his duties as such. While so, the checking officials found that the petitioner had indulged in cash and ticket irregularities on several occasions. 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 the punishment of removal on the 1st respondent-workman *vide* order dated 09.04.2001. Thereafter, the 1st respondent-workman filed I.D.No.64 of 2001 before the 2nd respondent-Labour Court-II, Hyderabad, under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short 'the Act'). The Labour Court, without properly appreciating any of the

contentions raised by the Corporation, passed the Award dated 26.08.2003 directing the Corporation to reinstate the 1st respondent-workman into service with continuity of service, notional increments, attendant benefits and 50% back wages. Aggrieved thereby, the present writ petition is filed.

Learned Government Pleader appearing for the 2nd respondent contends that the Labour Court has rightly passed the Award in favour of the 1st respondent and, therefore, no interference is called for.

This Court, having considered the submissions made by the learned counsel for the parties, is of the view that when once the Labour Court had exercised the power under Section 11-A of the Act, unless and until any illegality or irregularity is pointed out by 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.

Accordingly, the writ petition is dismissed. No costs.

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

JUSTICE ABHINAND KUMAR SHAVILI

24th December, 2018
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