

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.7741 OF 2002

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the impugned award dated 13.11.1996 passed in I.D.No.185 of 1994 by the Industrial Tribunal-cum-Labour Court, Ananthapur, and quash the same by holding it arbitrary and illegal.

Heard Sri K.Harinath, learned Standing Counsel appearing for the petitioner and Sri S.M.Subhan, learned counsel appearing for the 1st respondent.

The brief facts of the case are that initially, the 1st respondent was engaged as a Conductor on daily wage basis from 24.01.1986 and his services were regularized with effect from 01.07.1986. The 1st respondent had committed certain cash and ticket irregularities, for which, he was censured 10 times, his annual increments were deferred 9 times and he was removed from service on 11.03.1991. Thereafter, his review application was considered by the Regional Manager and accordingly, he was reinstated into service on 10-12-1991. Again, as the 1st respondent indulged in cash and ticket irregularities, he was removed from service vide order dated

12.10.1992 and the same was confirmed in appeal by the Divisional Manager, Kurnool. Questioning the same, the 1st respondent filed review petition before the Regional Manager and the same was also rejected. Hence, the 1st respondent filed I.D.No.185 of 1994 before the 2nd respondent under Section 2-A (2) of the Industrial Disputes Act, 1947 and the Labour Court ordered reinstatement of the 1st respondent as Conductor afresh. In pursuance of the same, the 1st respondent was reinstated into service as Conductor afresh and posted to Atmakur Depot. Questioning the Award of the Labour Court, the present writ petition is filed by the petitioner-Corporation.

Learned counsel appearing for the petitioner-Corporation submits that though the Labour Court had given a finding that the charges are held to be proved in a misconduct, it ought not to have interfered with the punishment of removal.

Be that as it may, it has been brought to the notice of this Court that the 1st respondent-workman was reinstated into service afresh. Hence, the cause in the writ petition, which was filed challenging the Award passed by the Labour Court, does not survive for adjudication.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

13th August, 2018
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