

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.5603 OF 2001

ORDER:

1. This petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with the award dated 7.9.2000 passed in I.D.No.122 of 1997 by the 2nd respondent-Labour Court.

2. Heard Sri B. Mayur Reddy, learned Standing Counsel for the petitioner-Corporation and Sri A.K. Jaya Prakash Rao, learned Counsel for the 1st respondent.

3. It has been contended by the petitioner that the 1st respondent was appointed as conductor in APSRTC in the year 1976, and while he was discharging his duties, in the month of January, 1997, he altered the SRs and submitted the same and the petitioner-Corporation construed the said conduct as misconduct and issued charge sheet dated 31.1.1997 and kept the 1st respondent under suspension, and after conducting regular enquiry, the petitioner imposed the punishment of removal on the 1st respondent vide order dated 26.5.1997 and challenging the same, the 1st respondent filed I.D.No.122 of 1997 before the 2nd respondent under Section 2-A(2) of the I.D. Act. It has been further submitted that the 2nd respondent after adjudicating the

matter on merits interfered with the punishment of removal on the ground of proportionality, and set aside the order of removal dated 26.5.1997 and directed the petitioner-Corporation to reinstate the 1st respondent into service with continuity of service, full back wages and all attendant benefits. Challenging the same, the petitioner-Corporation filed the present writ petition.

4. Sri A.K. Jaya Prakash Rao, learned Counsel for the 1st respondent contended that the Labour Court has rightly passed the award and the said award does not warrant any interference.

5. The learned Standing Counsel for the petitioner-Corporation has submitted that the 1st respondent was reinstated into service on 3.1.2001 in compliance with the award passed by the 2nd respondent.

6. Now, the question that has to be adjudicated in the present writ petition is whether the Labour Court was justified in setting aside the order of removal and in directing the petitioner corporation to pay full back wages with continuity of service and other attendant benefits.

7. Perusal of the award impugned discloses that the 2nd respondent-Labour Court has set aside the findings of the enquiry officer holding them as false and also basing on the principle of

proportionality. The petitioner has not pointed out any illegalities in the award. There are no merits in this writ petition. After perusing the material on record, this Court is of the view that the Labour Court has rightly passed the award in favour of the 1st respondent and the award impugned does not warrant any interference.

8. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

(ABHINAND KUMAR SHAVILI, J)

Dated: 25th July, 2018
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Dated: 25.7.2018

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