

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 19096 of 2009

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.95 of 2006 on the file of the 2nd respondent-Labour Court and quash the award dated 13.07.2007 passed therein holding it as illegal and arbitrary.

2. Heard Sri N. Vasudeva Reddy, learned standing counsel for TSRTC appearing on behalf of the petitioner, and Sri J. Mohan Singh, learned counsel for the 1st respondent workman.

3. It has been contended by the petitioner corporation that the 1st respondent was appointed as Conductor in the corporation on 09.04.1987. While he was discharging his duties on 23.01.1995, the checking officials of the corporation had conducted a check and found that the 1st respondent had indulged in cash and ticket irregularities and the said conduct of the 1st respondent was construed as misconduct and the disciplinary authority, after conducting regular departmental enquiry, had imposed a punishment of removal on the 1st respondent for the proven misconduct vide orders dated 18.09.1995. Questioning the same, the 1st respondent unsuccessfully preferred an appeal and a review on 30.10.1998 and 22.05.2000 respectively and, after a delay of nearly five years, raised an industrial dispute in I.D.No.95 of 1996 on the file of the 2nd respondent-Labour Court

under Section 2-A(2) of the Industrial Disputes Act. The Labour Court, without appreciating the case of the corporation in proper perspective, vide award dated 13.07.2007, set aside the orders of removal and directed that the 1st respondent be reinstated into service with continuity of service and attendant benefits, but without back wages. Aggrieved by the same, the present writ petition is filed.

4. Learned standing counsel for the petitioner corporation has contended that the Labour Court erred in setting aside the orders of removal and also failed to appreciate that the 1st respondent had approached the Labour Court nearly five years after the dismissal of the review and the Labour Court ought not to have entertained the I.D. on the ground of delay.

5. On the other hand, learned counsel for the 1st respondent workman has contended that the Labour Court has rightly passed the award in favour of the workman while exercising the power under Section 11-A of the Industrial Disputes Act and that no illegality or irregularity has been pointed out by the learned standing counsel for the petitioner and in the absence of the same, this Court cannot interfere with the orders of the Labour Court and, hence, the writ petition is liable to be dismissed.

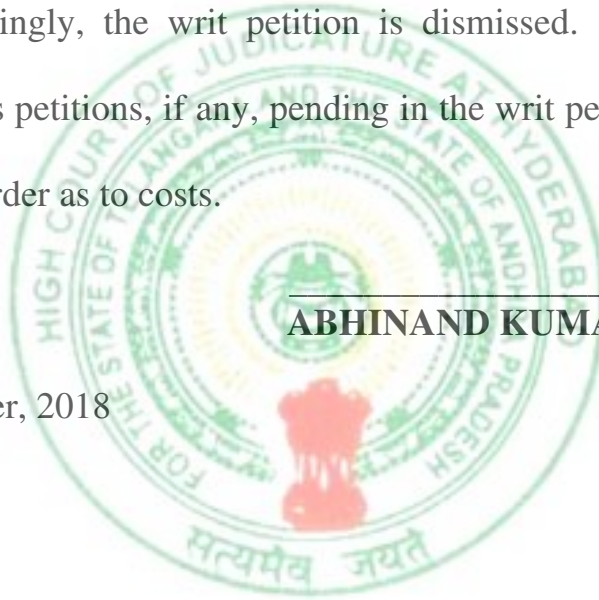
6. This Court, having considered the submissions made by the parties and perused the record, is of the considered view that the Labour Court has rightly passed the award in favour of the 1st

respondent while exercising the power under Section 11-A of the Industrial Disputed Act. Further, no illegality or irregularity is pointed out by the learned standing counsel for the petitioner in the award passed by the Labour Court. Unless and until any illegality or irregularity is pointed out by the learned standing counsel for the petitioner, normally this Court cannot interfere with the orders of the Labour Court. I find no merits in the writ petition and the same is liable to be dismissed.

7. Accordingly, the writ petition is dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

18th September, 2018
cbs



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No. 19096 of 2009
(dismissed)

18th September, 2018

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