

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 27590 of 2007

ORDER:

This writ petition is filed seeking writ of *certiorari* calling for the records relating to and connected with Award dated 24.10.2006 passed in I.D.No.70 of 2005 by the Industrial Tribunal-cum-Labour Court, Anantapur and quash or set aside the same.

Heard Sri A.Rama Rao, learned standing counsel for the petitioner-Corporation and Sri A.K.Jayaprakash Rao, learned counsel for the 1st respondent.

It is contended by the petitioner-Corporation that the 1st respondent has produced fake driving license and got employment as driver and the same has come to the notice of the petitioner-Corporation and the petitioner-Corporation has construed the conduct of the 1st respondent as misconduct for producing fake driving license. The petitioner-Corporation, after issuing charge sheet and conducting a detailed enquiry, had imposed punishment of removal from service on the 1st respondent vide orders dated 26.2.2000. Challenging the order of removal, the 1st respondent has preferred I.D.No.70 of 2005 under Section 2-A(2) of the Industrial Dispute Act, 1947. The Industrial Tribunal-cum-Labour Court, Anantapur passed award in favour of the 1st respondent by setting aside the order of removal dated 26.2.2000 and directing that the 1st respondent be reinstated into service with continuity of service and attendant benefits, however, without back wages. Questioning the same, the present writ petition is filed.

Sri A.K.Jayaprakash Rao, learned counsel for the 1st respondent has contended that the Labour Court has rightly passed the award in favour of the 1st respondent and, therefore, no interference is called for from this Court.

This Court having considered the rival submissions made by both the parties is of the considered view that the Labour Court had interfered with the punishment on the ground of proportionality and was conscious of the fact of misconduct committed by the 1st respondent and accordingly denied back wages, however, granted attendant and service benefits and has rightly passed the award in favour of the 1st respondent. When the petitioner-Corporation could not point out any illegality or irregularity in the order of the Labour Court, this Court is not inclined to interfere with the award passed by the Labour Court, more so, when the Labour Court has exercised its power under Section 11 (a) of the Industrial Disputes Act and granted relief in favour of the 1st respondent. Hence, there are no merits in the writ petition.

Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 23/07/2018

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