

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23706 of 2003

ORDER:

1. This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with I.D.No.100 of 2002 on the file of the Industrial Tribunal, Hyderabad, and to quash the award dated 25.8.2003 passed therein.

2. Heard Sri O. Manohar Reddy, learned Counsel for the petitioner and Sri G. Vidya Sagar, learned Counsel for the respondent.

3. It has been contended by the petitioner that the respondent-workman was appointed as Junior Assistant on 1.6.1994, and in the year 1996, the petitioner initiated disciplinary proceedings against the respondent for instigating the fellow workers to raise demands, and that similar action was also initiated against several employees of the petitioner. It has been further contended that the petitioner after conducting enquiry against the respondent-workman, terminated the services of the respondent-workmen for the proven misconduct in the enquiry, and then, the respondent challenging the same filed I.D.No.100 of 2002 before the Tribunal under Section 2-A(2) of the Industrial disputes Act, and

the Tribunal vide award dated 25.8.2003 allowed the I.D. setting aside the order of termination while directing the petitioner herein to reinstate the workman into service with continuity of service, 25% back wages and other attendant benefits. Challenging the same, the petitioner filed this writ petition.

4. The learned Counsel for the petitioner contended that the Tribunal passed orders in favour of the workman without appreciating any of the contentions raised by the petitioner and in fact, the Tribunal held that the charge against the petitioner was proved in the enquiry. He further contended that the respondent-workman herself admitted the charge and when the respondent-workman admitted her guilt, the Tribunal ought not to have interfered with the punishment of termination and ought not to have directed reinstatement of the workman.

5. The learned Counsel for the respondent contended that the Tribunal has rightly passed orders after exercising its power under Section 11-A of the Industrial Disputes Act and by applying proportionality theory, and that the petitioner could not point out any grave irregularity and illegality in the order impugned and in the absence of the same, this Court cannot interfere with the award passed by the Tribunal.

6. This Court having considered the rival submissions made by the parties is of the view that the Tribunal has rightly passed the award in favour of the respondent-workman in exercise of its power under Section 11-A of the Industrial Disputes Act. The petitioner could not point out any illegality or irregularity in the award passed by the Tribunal. There are no merits in this writ petition. Therefore, this Court is not inclined to interfere with the award impugned.

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

ABHINAND KUMAR SHAVILI, J

23rd November, 2018
Nn



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Writ Petition No.23706 of 2003
(dismissed)

23rd November, 2018

Nn