

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.5629 of 2004

ORDER

This writ petition is filed seeking to issue a writ of Certiorari calling for the records connected with I.D.No.287 of 2000 on the file of the Industrial Tribunal-cum-Labour Court, Ananthapur and quash the award dated 30.6.2003 passed therein as arbitrary and illegal.

Heard Sri A.Rama Rao, learned standing counsel for the petitioner-Corporation and Sri G.Ravi Mohan, learned counsel for 2nd respondent-workman.

It has been contended by the petitioner-Corporation that the 2nd respondent-workman was appointed as driver on 29.2.1996. The driving license submitted by the 2nd respondent-workman was verified by the Vigilance and Security Officer, A.P.S.R.T.C., Nellore and it was found that the driving license produced by the workman was not genuine. Based upon the investigation report, the petitioner Corporation issued charge sheet to the 2nd respondent-workman on 25.4.2000 and after conducting a detailed enquiry, punishment of removal from service was imposed on the workman on 13.7.2000. Aggrieved by the said order of removal, the workman preferred I.D.,No.287 of 2000 before the Industrial Tribunal-cum-Labour Court. The Labour Court, vide orders dated 30.6.2003 passed the award in favour of the workman and directed to reinstate the workman into service with continuity of service and back wages and other attendant benefits. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner Corporation would contend that the Labour court had mechanically passed order ordering reinstatement of the workman. He further contend that the Labour Court ought to have dismissed the I.D. preferred by the 2nd respondent-workman.

Learned counsel for the 2nd respondent-workman would contend that the Labour court had exercised its power under Section 11-A of the Industrial Disputes Act and passed the award in favour of the workman.

As can be seen from order of the Labour Court, the Labour Court gave a specific finding that the petitioner Corporation had relied on the verification report but did not give any credence to the letter produced by the workman which was issued by the Licensing Authority, Bangalore. When such finding is recorded by the Labour Court, until and unless some grave irregularity is pointed out by the petitioner Corporation, this Court is not inclined to interfere with the award passed by the Labour Court. More over, in pursuance to the award passed by the Labour Court, the workman was reinstated into service and discharging duties as Driver. In view of the same, there are no merits in the writ petition.

Accordingly, the Writ Petition is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 21/08/2018

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