

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 19532 of 2005

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.98 of 2004 on the file of the 2nd respondent and quash the order dated 17.01.2005 passed therein holding it as illegal and arbitrary.

2. Heard learned standing counsel for TSRTC appearing on behalf of the petitioners and learned counsel for the 1st respondent workman.

3. It has been contended by the petitioner corporation that the 1st respondent was appointed as Booking Clerk in the corporation on 20.01.1978 and, later on, re-categorized as Conductor on 28.04.1980. While he was discharging his duties, the checking officials of the corporation conducted a check and found that he had indulged in cash and ticket irregularities. His conduct was construed as misconduct and a charge sheet was issued against him and he was placed under suspension vide order dated 17.04.2002. After initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had imposed punishment of removal on the 1st respondent vide orders dated 05.07.2002. Challenging the same, the 1st respondent unsuccessfully preferred an appeal and, thereafter, raised an industrial dispute in I.D.No.98 of 2004 on the file of the 2nd respondent – Labour Court under Section 2-A(2) of the Industrial Disputes Act. The Labour Court without

properly appreciating any of the contentions raised by the corporation, passed an award dated 17.01.2005 setting aside the order of removal and directing the corporation to reinstate the 1st respondent into service with continuity of service and 75% back wages. Aggrieved thereby, the present writ petition is filed.

4. Learned counsel for the 1st respondent has contended that the Labour Court has rightly passed the award in his favour and, therefore, no interference is called for.

5. This Court, having considered the submissions made by the learned counsel for the parties and perused the record, is of the considered view that the Labour Court had rightly passed the award in favour of the workman and no illegality or irregularity has been pointed out by the learned standing counsel for the petitioner in the award passed by the Labour Court. Unless and until any grave illegality or irregularity is pointed out by the learned standing counsel for the petitioner, this Court cannot interfere with the impugned award. I find no merits in the writ petition and the same is liable to be dismissed.

6. 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

20th September, 2018
cbs

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Writ Petition No. 19532 of 2005
(dismissed)

20th September, 2018

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