

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.6001 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with the award in I.D.No.101 of 2003, dated 13.10.2004, on the file of the Labour Court, Godavarikhani, and to quash the same by holding it as arbitrary and illegal, and to direct the respondent to reinstate the petitioner into service with continuity of service and attendant benefits with full backwages.

2. Heard Sri P. Govinda Rajulu, learned Counsel for the petitioner and Sri A. Ravi Babu, learned Standing Counsel for the respondent-Corporation.

3. It has been submitted by the learned Counsel for the petitioner that while the petitioner was working as a conductor, the respondent issued a charge memo on 31.1.2002 alleging that he committed certain cash and ticket irregularities while conducting the bus on 17.1.2002 and that the petitioner submitted an explanation, and being not satisfied with the explanation submitted by the petitioner, the respondent-Corporation initiated disciplinary proceedings, and after conducting a detailed enquiry, the respondent-Corporation removed the petitioner from service vide order dated 13.5.2002. Questioning the same, the petitioner filed I.D.No.101 of 2003 before the Labour Court and that the Labour Court passed nil award dated 13.10.2004 confirming the order of removal passed by the respondent-Corporation. It has been contended by the learned Counsel for the petitioner that the Labour Court mechanically dismissed the I.D. filed by the petitioner without appreciating the fact that the petitioner is not at all guilty of the alleged misconduct.

4. The learned Standing Counsel for the respondent contended that the disciplinary authority as well as the Labour Court had appreciated the evidence in a proper perspective and that the respondent-Corporation had given full opportunity to the petitioner to defend his case, and after considering the proven misconduct, the disciplinary authority had imposed punishment of removal, and therefore, the award passed by the Labour Court does not warrant any interference.

5. Heard the rival submissions made by the parties. The petitioner could not point out any glaring defects in the award passed by the Labour Court. The Labour Court having considered the entire evidence on record declined to exercise the power under Section 11-A of the I.D. Act. When once the Labour Court gave a finding that the procedure adopted by the disciplinary authority while imposing punishment of removal was valid, the only aspect, which the Labour Court had to see is as to whether the punishment imposed by the disciplinary authority is shockingly disproportionate or not. The Labour Court had gone into the issue as to whether the disciplinary authority imposed the punishment proportionate to the proven misconduct. The Labour Court had considered even the past record of the petitioner and held that the punishment imposed on the petitioner is not shockingly disproportionate. In view of the same, this Court is of the view that the award passed by the Labour Court does not suffer from any irregularity warranting interference by this Court. The writ petition is devoid of merits.

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

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 3.1.2018
Nn.

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