

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3876 OF 2004

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking a Writ of *Certiorari* to call for record relating to Award, dated 09.06.2003, passed by respondent No.1 - Central Government Industrial Tribunal - cum - Labour Court, Hyderabad, in Industrial Dispute L.C.I.D. No.263 of 2003 confirming the punishment of 'compulsory retirement' imposed on the petitioner by respondent No.2 - Assistant General Manager (DM) & Appellate Authority in Lr.No.666/20/NV/448, dated 28.05.1999, and consequential direction to the respondents to reinstate the petitioner into service with all consequential benefits.

2. Heard Sri D.V. Sitharam Murthy, learned Senior Counsel for the petitioner, and Sri K. Lakshman, learned Assistant Solicitor General appearing for respondent No.1, and Sri N. Ramamohana Rao, learned standing counsel appearing for respondent Nos.2 and 3.

3. The learned counsel for the petitioner submits that respondent No.3 has initially dismissed the petitioner from service, and later on the petitioner had preferred an appeal, and the appellate authority – respondent No.2 has modified the punishment of dismissal to that of 'compulsory retirement'. Challenging the orders of 'compulsory retirement' as modified by the appellate authority, the petitioner has filed Industrial Dispute L.C.I.D. No.263 of 2003 before

respondent No.1, and respondent No.1 without appreciating any of the contentions raised by the petitioner, passed the award on 09.06.2003, confirming the order passed by respondent No.2, and contended that appropriate orders be passed setting aside the award passed by respondent No.1 and also the order of compulsory retirement as modified by respondent No.2.

4. On the other hand, the learned Standing Counsel appearing for respondent Nos.2 and 3, would contend that respondent No.1 has rightly dismissed the LCID preferred by the petitioner and no grave irregularity or illegality can be found in the order, and in the absence of any such grave irregularity or illegality, there is no need to interfere with the award under challenge and that the writ petition is devoid of merits and the same is liable to be dismissed.

5. Having considered the rival submissions, this Court is of the considered view that respondent No.1 has rightly dismissed the LCID preferred by the petitioner and the petitioner could not point out any grave irregularity or illegality in the award under challenge and in the absence of the same, this Court cannot interfere with the order passed by respondent No.1. The writ petition is devoid of merit and the same is liable to be dismissed.

6. Accordingly, the present Writ Petition is dismissed. However, in the circumstances of the case, there shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present writ petition stand closed.

ABHINAND KUMAR SHAVILI, J

December 15, 2018
Mgr

