

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 11939 OF 2003

ORDER :

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.174 of 2000, dated 19-12-2002 on the file of the 2nd respondent-Industrial Tribunal-cum-Labour Court, Visakhapatnam, published on 12-5-2003 setting aside the order of removal dated 28-6-1989 and directing reinstatement of 1st respondent into service though without continuity of service and without back wages, and quash the same as being illegal without jurisdiction and invalid.

2. Heard the learned Standing Counsel for the petitioner-corporation and the learned Counsel for the respondent-workman.

3. It has been contended by the petitioner-corporation that the 1st respondent-workman was a conductor. Earlier also, he had indulged in certain cash and ticket irregularities. His conduct was construed as misconduct and 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 28-6-1989. Challenging the same, the 1st respondent has not preferred any appeal or review or a writ petition for a period of about 11 years. After a long period of 11 years, the 1st respondent filed I.D.No.174/2000 before the 2nd respondent under Sec.2-A(2) of the Industrial Disputes Act, questioning the order of his removal from service. The 2nd respondent-Industrial Tribunal-cum-

Labour Court, without appreciating any of the contentions raised by the corporation, passed an award dated 19-12-2002 setting aside the order of removal and directing the corporation to reinstate the 1st respondent into service without back wages and without continuity of service. 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 favour of workman and, therefore, no interference is called for.

5. This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that when once the Labour Court had exercised the power under Section 11-A of the Industrial Disputes Act, unless and until any illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the award passed by the Labour Court, this Court cannot interfere with the award. There are no merits in the writ petition.

6. Therefore, 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

19th November, 2018

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