

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.12573 of 2008

ORDER:

This Writ Petition is filed seeking a writ of Certiorari calling for the records relating to the order, dated 21.03.2007, in I.D.No.36 of 2005 passed by the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad, and quash or set aside the same holding it as arbitrary and illegal.

2. Heard Sri N.Vasudeva Reddy, learned Standing Counsel for the petitioner-Corporation and the learned Government Pleader for Labour.

3. It has been contended by the petitioner-Corporation that the 1st respondent was appointed as Driver in the year 1987 and while he was conducting bus, during November, 2003, the officials of the petitioner-Corporation have checked the bus and found that 1st respondent had involved in cash and ticket irregularities. The said conduct of the 1st respondent was construed as a misconduct and the petitioner-Corporation after conducting detailed enquiry, had imposed a punishment of removal from service vide proceedings, dated 12.05.2004. Aggrieved by the said removal order, the 1st respondent unsuccessfully preferred an appeal before the appellate authority and thereafter raised I.D.No.36 of 2005 before the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad, under Section 2-A (2) of the Industrial Disputes Act and the Tribunal vide order, dated 21.03.2007 set aside the order of removal and directed the petitioner-Corporation to reinstate the 1st respondent into service with continuity of service and other

benefits, except back wages. Challenging the same, the present Writ Petition is filed.

4. It has been contended by the learned Standing Counsel for the petitioner-Corporation that disciplinary authority imposed punishment of removal for the proven misconduct of the 1st respondent and that the Labour Court had mechanically passed orders in favour of the 1st respondent.

5. It has been contended by the 1st respondent that the Labour Court has rightly passed orders in his favour and no illegality or irregularity has been pointed by the petitioner-Corporation in the orders passed by the Labour Court and there is no merit in the writ petition and accordingly, the writ petition is liable to be dismissed.

6. This Court, having considered the rival submissions of the parties, is of the considered view that no illegality or irregularity has been pointed out by the learned Standing Counsel for the petitioner-Corporation in the impugned order. Until and unless some grave irregularities are pointed out in the order passed by the Labour Court, this Court cannot interfere with the impugned order. Therefore, there are no grounds in the writ petition and the same is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

OCTOBER 24, 2018

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Date:24.10.2018

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