

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.42883 of 2015

ORDER:

This writ petition is filed seeking to issue a writ of certiorari, calling for records relating to I.D.No.154 of 2004, dated 25.09.2007 on the file of the Industrial Tribunal-cum-Labour Court, Visakhapatnam, published in the Gazette vide G.O.Rt.No.1244, dated 10.06.2008 and quash the same.

Heard Sri S.V.Ramana, learned standing counsel for the petitioner Corporation and the learned Government Pleader for Labour.

Brief facts of the case is that one D.Sai Maruthi was appointed as a Conductor in the petitioner Corporation, and while he was discharging his duties as a conductor on 18.01.2000 in the bus bearing registration No.AP10Z-5889 on the route Kakinada-Narsipatnam, at Stage No.28 K.D.Peta, the Checking Staff had conducted surprise check and found that the conductor D.Sai Maruthi has indulged in certain ticket irregularities. The Petitioner Corporation had issued a charge memo on 18.01.2000 and one weeks' time was given to the said conductor to submit his explanation. Before expiry of one week period, the petitioner Corporation has imposed a punishment of deferment of annual increments for a period of two years without cumulative effect, vide orders, dated 21.09.2000. Respondent No.1 Union has raised an industrial dispute before the Conciliation Officer and when the conciliation proceedings has failed, the appropriate Government has referred the dispute to the Industrial Tribunal-cum-Labour Court, Visakhapatnam in I.D.No.154 of 2004 under Section 10(1) (c) of the Industrial Disputes Act, 1947. The Labour Court, vide orders, dated 25.09.2007, was pleased to pass an award , setting

aside the punishment imposed on D.Sai Maruthi, conductor. Challenging the same, the present writ petition is filed by the petitioner corporation.

It has been contended by the learned counsel for the petitioner corporation that when the conductor D.Sai Maruthi has indulged in cash and ticket irregularity, a charge memo was issued, and as the said conductor has not submitted any explanation to the charge memo, the Disciplinary Authority imposed punishment of deferment of two annual increments without cumulative effect. He has further contended that the Labour Court ought not to have interfered with the said punishment.

The petitioner corporation had issued charge memo to the conductor, directing him to submit his explanation within one week. Even before expiry of one week, the petitioner corporation has imposed the punishment against the conductor, which is violative of principles of natural justice.

Taking into consideration all facts and circumstances of the case, the Labour Court has rightly set aside the punishment imposed against the Conductor D.Sai Maruthi. This court does not see any illegality or infirmity, warranting interference with the award of the Labour Court. There are no merits in the writ petition.

The Writ Petition is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI, J

Date: 26.04.2018
Dsr