

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.17486 OF 2005

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with I.D.No.209 of 1999 on the file of the Labour Court-III, Hyderabad and to quash the award dated 4.4.2004 passed therein.

2. Heard Sri A. Ravi Babu, learned Standing Counsel for the petitioner-Corporation and Sri V. Narasimha Goud, learned Counsel for the 2nd respondent-workman.

3. It has been contended by the petitioner that the 2nd respondent-workman was appointed as a conductor in the year 1986 and while he was working as such, on 5.4.1998, the checking officials of the petitioner-Corporation conducted check and found that the 2nd respondent-workman had indulged in cash and ticket irregularities, and the said conduct was construed as misconduct and the petitioner-Corporation initiated disciplinary proceedings against the 2nd respondent-workman, and after conducting enquiry, for the proven misconduct, punishment of removal

was imposed on the 2nd respondent-workman on 15.9.1998, and aggrieved by the same, the 2nd respondent-workman unsuccessfully preferred appeal and thereafter, filed I.D.No.209 of 1999 before the 1st respondent under Section 2-A (2) of the Industrial Disputes Act and the Labour Court, vide order dated 4.4.2004 set aside the order of removal and directed that the workman be reinstated into service with continuity of service and full back wages, but without any attendant benefits, and challenging the same, the petitioner-Corporation filed this writ petition.

4. The learned Standing Counsel for the petitioner-Corporation contended that the Labour Court passed orders in favour of the respondent-workman without appreciating any of the contentions raised by the petitioner-Corporation and without taking into account the oral evidence adduced in the enquiry.

5. The learned Counsel for the respondent-workman contended that the labour Court had rightly passed orders in favour of the respondent-workman and that the Labour Court has interfered with the punishment of removal on facts as well as on proportionality theory and exercised its

powers under Section 11-A of the Industrial Disputes Act, and therefore, no interference is called for from this Court.

6. This Court having considered the rival submissions made by the parties is of the view that when once the Labour Court exercised its powers under Section 11-A of the Industrial Disputes Act, until and unless there is some irregularity or illegality, the Court cannot interfere with the award passed by the Labour Court. No illegality or irregularity has been pointed out by the learned Standing Counsel for the petitioners in the award impugned and therefore, this Court is not inclined to interfere with the award impugned.

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

(ABHINAND KUMAR SHAVILI, J)

Dated: 6th September, 2018
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Dated: 6.9.2018

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