

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7187 of 2004

ORDER:

This writ petition is filed seeking the following relief:

“For the reasons stated in the affidavit (enclosed) this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, especially in the nature of a writ of certiorari calling for the records relating to the impugned award Dt.23-9-2003 made in ID No.34/2003, Labour Court-III, Hyderabad, published on 15-11-2003 setting aside the order of removal Dt.30-7-2002 and directing reinstatement of 1st respondent into service with continuity of service, attendant benefits though without any back wages and quash the same as being illegal, without jurisdiction and invalid, and pass such other order or orders just and necessary in the circumstances of the case”.

Heard learned Standing Counsel for the petitioner-Corporation and the learned Counsel for the 1st respondent-workman.

It has been contended by the petitioner-Corporation that the 1st respondent-workman was appointed as a temporary conductor on 5-4-1985 and his services were regularized w.e.f. 22-11-1986. During the service, he was warned several times and his annual increments were deferred 5 times. His conduct was construed as misconduct for his unruly behavior and after initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had imposed the punishment of removal on the 1st respondent, vide proceedings dated 30.7.2002 and challenging the same, the 1st respondent raised an industrial dispute in I.D.No.34 of 2003 on the file of the 2nd respondent – Labour Court under Section 2-A(2) of the Industrial Disputes Act, and the Labour Court, without properly appreciating any of the

contentions raised by the corporation, passed an award dated 23.9.2003 allowing in part setting aside the order of removal and directing the respondents to reinstate the petitioner into service with continuity of service, with attendant benefits, but he is not entitled for any back wages. Aggrieved thereby, the present writ petition is filed by the petitioner-Corporation.

Learned Counsel for the 1st respondent has contended that the Labour Court has rightly passed the award in favour of the 1st respondent and, therefore, no interference is called for.

This Court, having considered the submissions made by the learned Counsel for the parties, is of the considered view that the Labour Court has rightly passed the award in favour of the 1st respondent. Further, no illegality or irregularity is pointed out by the learned Standing Counsel for the petitioner-Corporation in the award passed by the Labour Court. 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 findings of the Labour Court. There are no merits in the writ petition and the writ petition is liable to be dismissed.

Accordingly, 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

27th November, 2018
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