

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.NO.11749 OF 2002

O R D E R

This writ petition is filed seeking for a writ of certiorari calling for the records relating to I.D.No.271 of 2000 dated 05.02.2001 on the file of Industrial Tribunal- II Hyderabad and declare the award, as illegal and arbitrary, and quash the same, and consequently direct the 1st respondent to reinstate the petitioner into service with continuity of service.

Petitioner was appointed as Conductor with the 1st respondent – Corporation in the year 1975 and while discharging his duties, on 08.04.1998, checking officials of the Corporation, had conducted a check and found that the petitioner had indulged in cash and ticket irregularities and after framing of charges and conducting detailed inquiry and for the proven misconduct, disciplinary authority imposed punishment of removal from service on 19.02.1999. Aggrieved by the same, petitioner preferred appeal unsuccessfully and thereafter raised I.D.No. 271 of 2000 under Section 2(A)(2) of the Industrial Disputes Act, 1947.

The Industrial Tribunal, after considering the entire case, passed award on 05.02.2001 dismissing the I.D. preferred by the petitioner. Aggrieved by the same, the present writ petition is filed.

It has been contended by the learned counsel for the petitioner that the Inquiry Officer conducted *ex party* inquiry without giving opportunity to the petitioner, and the disciplinary and the appellate authorities, have not considered the same and the Tribunal without considering the vital aspect of

the matter and without appreciating that the punishment imposed was shockingly disproportionate to the charges leveled against the petitioner, dismissed the I.D.

Sri N.Vasudeva Reddy, learned Standing Counsel for the 1st respondent – Corporation contended that the disciplinary authority has given every opportunity to the petitioner and for the proven misconduct in the inquiry, disciplinary authority imposed punishment of removal from service and the Tribunal has rightly declined to exercise its power under Section 11-A of the Act and that there are no merits in the writ petition and the same may be dismissed.

Having regard to the rival contentions and the material on record, this court is of the considered view that the petitioner has not pointed out any illegality and in the absence of the same, impugned award passed by the Tribunal, cannot be interfered with.

When this case is taken up for hearing, it is noticed that petitioner had already attained the age of superannuation.

In order to meet the ends of justice, this writ petition is disposed of with the following direction:

“1st respondent – Corporation is directed to pay service benefits to the petitioner for the service rendered by him from 1975 till he was removed from service, if not already paid, within a period of four weeks from the date of receipt of a copy of this order”

Miscellaneous petitions pending, if any, shall stand closed. No costs.

ABHINAND KUMAR SHAVILI,J

DATE:07—09—2018

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