

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 14526 of 2009

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with I.D.No.141 of 2004 on the file of the Industrial Tribunal-cum-Labour Court, Anantapur, and quash the award dated 24.04.2008 passed therein rejecting the claim of the petitioner, holding it as illegal and arbitrary. A consequential direction is also sought to the 2nd respondent corporation to reinstate the petitioner into service with continuity of service, attendant benefits and back wages.

2. Heard Mr. G. Ravi Mohan, learned counsel for the petitioner, and Mr. A. Ramarao, learned standing counsel for APSRTC, appearing for the 2nd respondent.

3. It has been submitted by the petitioner that he was appointed as a Conductor in the 2nd respondent corporation in 1986. While he was conducting a bus on 25.07.2003, a check was conducted and the checking officials found that he had indulged in cash and ticket irregularities. The 2nd respondent corporation had construed the same as misconduct, issued a charge sheet dated 01.08.2003, and after conducting a detailed enquiry for the proven misconduct and issuing a show cause notice, imposed a punishment of removal from service vide orders dated 24.11.2003. The appellate and the review authorities also confirmed the punishment vide their proceedings

dated 21.01.2004 and 15.03.2004 respectively. Thereafter, he raised an industrial dispute before the Labour Court in I.D.No.141 of 2004 under Section 2-A(2) of the Industrial Disputes Act, 1947. The Labour Court dismissed the I.D. while modifying the order of removal to that of compulsory retirement, vide award dated 24.04.2008. Aggrieved thereby, the present writ petition is filed.

4. It is mainly contended by the learned counsel for the petitioner that the Labour Court ought to have exercised its power under Section 11-A of the Industrial Disputes Act and reinstated the petitioner into service instead of modifying the order of removal from service to that of compulsory retirement.

5. On the other hand, learned standing counsel for the 2nd respondent corporation submitted that the Labour Court having taken a lenient view by taking into consideration that he had completed 16 years of service and he has to support his family consisting of his wife and two school going children and he has no source of income, modified the order of removal to that of compulsory retirement. Therefore, no interference is called for.

6. This Court, having considered the submissions made by the parties, is of the view that though the charges leveled against the petitioner are proved, keeping in view that he has to support his family and he has no source of income, the Labour Court had rightly passed the impugned award by modifying the order of removal passed

by the disciplinary authority to that of compulsory retirement, so that he would get some monetary benefit. Further, no irregularity is pointed out by the learned counsel for the petitioner in the award passed by the Labour Court. There are no merits in the writ petition.

7. Therefore, 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

30th August, 2018
cbs



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Writ Petition No. 14526 of 2009
(dismissed)

30th August, 2018

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