

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13362 of 2005

ORDER:

This writ petition is filed seeking the following relief:

“For the reasons stated in the accompanying Affidavit, this Hon'ble Court may be pleased to issue an appropriate writ, order or order more particularly one in the nature of writ of certiorari calling for the records relating to the Award in I.D.No.125/2001 on the file of Labour Court, Ananthapur, and quash the same and pass such other order or orders just and necessary in the circumstances of the case”.

Heard the learned Standing Counsel for the petitioner-Corporation and the learned Counsel for the 2nd respondent-workman.

It has been contended by the petitioner-Corporation that while the 2nd respondent-workman while was working as Driver in Tirumala Depot, he was indulged in making false claim of double duty and taken an amount of Rs.3,605-20 Ps. The Traffic Inspector of Tirumala reported that during February 1999 to July 1999, 2nd respondent claimant claimed double duty by producing false Trip services (TRs) and took an amount of Rs.3,605-20 Ps., by signing himself as Despatcher as well as Controller at both Tirumala and Tirupathi. Charge sheet was issued to the claimant on 1-10-1999. He submitted his explanation denying the charges and however, remitted a sum of Rs.3,605-20 Ps., on 1-10-1999. He was removed from service after conducting enquiry on certain allegations, vide proceedings dated 18-3-2000. He preferred an appeal and review and the

same were rejected. Challenging the removal orders dated 18-3-2000, the 2nd respondent raised an industrial dispute in I.D.No.125 of 2001 on the file of the 1st respondent – Industrial Tribunal-cum-Labour Court, Ananthapur, 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 25-2-2005 directing the corporation to reinstate the workman into service with continuity of service but without back wages, while withholding two annual increments with cumulative effect. Aggrieved thereby, the present writ petition is filed by the petitioner-Corporation.

Learned Counsel for the 2nd respondent has contended that the Labour Court has rightly passed the award in favour of the 2nd 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 2nd 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

21st December, 2018
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