

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.23990 of 2003

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.255 of 2000 on the file of the 1st respondent and quash the Award dated 07.12.2002 passed therein holding it as illegal and arbitrary.

Heard Sri P.Vinayaka Swamy, learned Standing Counsel for APSRTC appearing on behalf of the petitioner and learned Government Pleader for Labour appearing on behalf of the 1st respondent.

It has been contended by the petitioner-Corporation that the 2nd respondent-workman was appointed as Conductor in the Corporation and while he was discharging his duties on 12.11.1999, the checking officials of the Corporation exercised a check and alleged that he indulged in cash and ticket irregularities. The petitioner-Corporation construing the said act as misconduct initiated disciplinary proceedings against the 2nd respondent, and after conducting enquiry, imposed punishment of removal from service *vide* proceedings dated 5.5.2000. Challenging the same, the 2nd respondent unsuccessfully preferred an appeal and a review before the

competent authorities and, thereafter, raised an industrial dispute in I.D.No.255 of 2000 on the file of the 1st respondent—Labour Court under Section 2-A(2) of the Industrial Disputes Act. The Labour Court without properly appreciating any of the contentions raised by the Corporation, passed an award dated 7.12.2002 setting aside the order of removal and directed the Corporation to reinstate the 2nd respondent into service with continuity of service, with 50% back wages. The Labour Court further directed the Corporation to impose punishment of deferment of two annual increments without cumulative effect on the 2nd respondent. Aggrieved thereby, the present writ petition is filed.

Learned Government Pleader appearing for the 1st respondent has contended that the Labour Court has rightly passed the award in favour of the 2nd respondent-workman 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 when once the Labour Court had exercised the power under Section 11-A of the Industrial Disputes Act, 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 Award. There are no merits in the writ petition.

Therefore, the writ petition is dismissed. No costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

15th November, 2018
rkk

