

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 27455 of 2003

ORDER:

1. This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.73 of 2001 on the file of the 2nd respondent and quash the award dated 2.6.2003 passed therein holding it as illegal and arbitrary.
2. Heard the learned Standing Counsel for the petitioner-Corporation and the learned Government Pleader.
3. It has been contended by the petitioner-Corporation that the 1st respondent-workman was appointed as Driver in the petitioner-Corporation, and on 22.9.1997, while the 1st respondent-workman was driving the bus, the checking officials conducted check and found Ganjai in the bus, and basing on the report of the checking officials, the Corporation initiated disciplinary proceedings against the workman, and after conducting regular enquiry and for the proven misconduct, the disciplinary authority imposed punishment of removal on the 1st respondent vide orders dated 28.01.1998, and challenging the same, the 1st respondent filed the appeal and the same was rejected and then, he preferred review, and the reviewing authority considered the same and issued proceedings dated 30.3.1999 to reinstate the workman into service and to reduce the pay of the workman by two incremental stages for a period

of two years with cumulative effect and to treat the period from the date of removal till the date of reporting on reinstatement, 'as not on duty' for all purposes, aggrieved by which, the workman filed I.D.No.74 of 2001 before the Labour Court, Warangal. Further, it has been contended by the petitioner-Corporation contended that the Labour Court without properly appreciating any of the contentions raised by the Corporation, allowed the I.D. as follows:

"In the result, the petition is allowed and punishment issued by the respondents is set aside and the 2nd respondent shall restore two incremental stages which are postponed for two years with cumulative effect and shall pay the arrears. The petitioner is not entitled for wages during suspension period. This award shall become enforceable on expiry of 30 days from the date of its publication."

Aggrieved by the same, the petitioner-Corporation filed this writ petition.

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

5. 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 exercised the powers 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.

6. 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

18th December, 2018
Nn



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



**Writ Petition No.27455 of 2003
(dismissed)**

18th December, 2018

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