

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.3565 OF 2008

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the Award dated 15.12.2006 passed in I.D.No.185 of 2005 by the Labour Court-I, Hyderabad, and to quash or set aside the same by holding it as arbitrary and illegal.

Heard Sri N.Vasudeva Reddy, learned Standing Counsel appearing for the petitioner-Corporation, and Sri P.Venkateswar Rao, learned counsel appearing for the 1st respondent-workman.

The brief facts of the case are that the 1st respondent was engaged as casual Conductor, on daily wage basis, on 30-11-1996 and her services were regularized with effect from 01.01.1998 and she was working as such. While so, the officials of the Corporation exercised a check on 23.03.2004 and found that the 1st respondent had indulged in cash and ticket irregularities. This incident was construed as a misconduct, the Corporation initiated disciplinary proceedings and after conducting regular departmental enquiry, imposed the punishment of removal from service for the proven misconduct *vide* proceedings dated 02.09.2004. The appeal

and review preferred by the 1st respondent were rejected on 31.12.2004 and on 02.08.2005 respectively. Challenging the same, the 1st respondent preferred I.D.No.185 of 2005 under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short 'the Act') before the Labour Court-I, Hyderabad. The Labour Court passed the impugned Award on 15.12.2006 in favour of the 1st respondent directing the Corporation to reinstate the 1st respondent into service with continuity of service and other attendant benefits, but without back wages. Hence, the present writ petition is filed by the petitioner-Corporation.

Learned Standing Counsel appearing for the petitioner-Corporation submits that the Labour Court ought not to have reinstated the 1st respondent into service with continuity of service and that Labour Court failed to appreciate the fact that the disciplinary authority had imposed the punishment of removal for the proven misconduct.

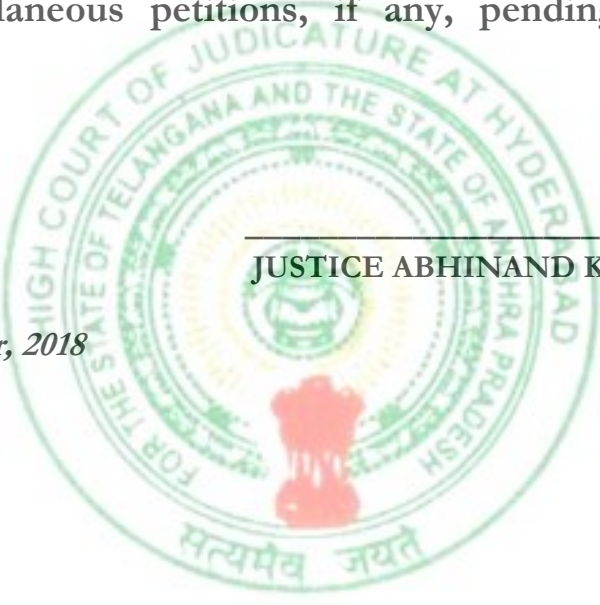
Learned counsel appearing for the 1st respondent contends that the Labour Court by exercising its power under Section 11-A of the Act, has rightly set aside the order of removal and that the Award passed by the Labour Court needs no interference by this Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered

view that unless and until grave irregularity or illegality has been pointed out by the petitioner-Corporation, this Court is not inclined to interfere with the Award passed by the Labour Court and the Labour Court has rightly exercised its power under Section 11-A of the Act while passing the impugned Award. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

27th September, 2018
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