

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No.17505 of 2007**

**ORDER:**

This Writ Petition is filed seeking a writ of Certiorari calling for the records relating to the order, dated 23.4.2007, passed in I.D.No.11 of 2005 by the Industrial Tribunal-cum-Labour Court, Anantapur, and set aside the same insofar as granting relief of compulsory retirement and sought consequential direction to reinstate the petitioner into service with continuity of service, attendant benefits and back wages.

2. Heard Sri G.Ravi Mohan, learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation.

3. It has been contended by the petitioner that he was appointed as Conductor in the respondent-Corporation in the year 1979. While so, the Traffic Inspector III submitted a report dated 20.1.2004 before the respondent Corporation stating that the petitioner remained absent from 16.1.2003 and he was figured in the criminal case. The respondent-Corporation had constructed the same as misconduct and after conducting detailed enquiry, removed the petitioner from service vide order, dated 13.4.2004, for the proven misconduct. Aggrieved by the said removal order, the petitioner preferred an appeal before the appellate authority and the same was rejected. Thereafter, the petitioner raised an Industrial Dispute vide I.D.No.11 of 2005 before the Industrial Tribunal and the Tribunal vide Award, dated 23.4.2007 had set

aside the removal order and imposed the penalty of compulsory retirement. Challenging the same, the present writ petition is filed.

4. Learned Standing Counsel for the respondent-Corporation contended that the disciplinary authority imposed punishment of removal for the proven misconduct and the Labour Court has modified the punishment of removal to that of compulsory retirement, and therefore, the award passed by the Labour Court does not warrant any interference.

5. This Court having considered the rival submissions made by the parties, is of the considered view that no illegality or irregularity is pointed out by the counsel for the petitioner in the impugned order. Until and unless some grave irregularities are pointed out in the order passed by the Labour Court, this Court cannot interfere with the impugned order. However, the service benefits of the petitioner, if not paid for the service rendered prior to his removal, shall be paid by the respondent-Corporation, within a period of four (4) weeks, as per the Rules, from the date of receipt of copy of this order.

6. Accordingly, the Writ Petition is disposed of. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

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**ABHINAND KUMAR SHAVILI, J**

**Date: 06/11/2018**

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