

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.19034 of 2009

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.119 of 2005 on the file of the 2nd respondent and quash the award dated 29.12.2007 passed therein holding it as illegal and arbitrary.

Heard Sri W.V.S.Rajeswari, learned Standing Counsel appearing for the petitioner-Corporation, learned Government Pleader for Labour appearing on behalf of the 2nd respondent and Sri S.D.Goud, learned counsel appearing for respondent No.1.

It is the case of the petitioner-Corporation that the 1st respondent-workman was appointed as Conductor in the Corporation in the year 1978 and was discharging his duties such. While so, on 11-06-1996, a check was exercised by the checking officials and they found that the petitioner had indulged in cash and ticket irregularities. His conduct was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had imposed

punishment of removal on the 1st respondent *vide* order dated 04.10.1996. Challenging the same, the 1st respondent preferred an appeal and the same was rejected on 15.03.1997. Aggrieved by the same, he filed a review before the reviewing authority. The reviewing authority had modified the punishment of removal to that of reinstatement into service as fresh conductor. Thereafter, the Union approached the appropriate Government and the appropriate Government referred the dispute to the 2nd respondent-Industrial Tribunal-cum-Labour Court, Anantapur, under Section 10(1) (C) of the Industrial Disputes Act, 1947. The Labour Court without properly appreciating any of the contentions raised by the Corporation, passed an award dated 29.12.2007 granting continuity of service to the 1st respondent-workman, denying back wages and attendant benefits. Aggrieved thereby, the present writ petition is filed.

Learned counsel appearing for the 2nd respondent contends that the Labour Court has rightly passed the award in favour of the 1st 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 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 same. 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

29th November, 2018
rkk

