

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19042 of 2003

ORDER:

This writ petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit, this Hon'ble Court may be pleased to call for the records relating to ID No.190/2000 on the file of the Labour Court, Ananthapur and quash the award Dt.25-3-2003 by issuing appropriate writ, order or direction more particularly one in the nature of writ of certiorari and to pass such other order or further orders to met the ends of justice”.

Heard the learned Standing Counsel for petitioner-Corporation and the learned Counsel for the 1st respondent-workman.

It has been contended by the petitioner-Corporation that the 2nd respondent herein while working as driver in Kurnool-II Depot of APSRTC misbehaved on 22-7-1999 at 1-00 hrs., with a woman passenger by name Smt. Maheswamma W/o Kummara Ramudu of Veddapalli Village, who was taking rest at Main Hall of the APSRTC Bus Station, Kurnool. It is submitted that the said Maheswamma, Sri A.Maddanna, Advocate of Kurnool and Murthuzavalli of Ghanapuram, lodged the complaint about the misbehaviour of the 2nd respondent driver along with another driver by name M.R.Saheb in the Uniform and thus tarnished the image of the Corporation. In this regard, the II-III Kurnool Bus Stations, submitted report on 22-7-1999 to the Station Manager, APSRTC, Kurnool Bus Station. It is submitted that the preliminary enquiry was conducted by the Chief Inspector, Kurnool-II. Basing on the preliminary enquiry report, the workman was placed under

suspension and issued a Charge Sheet on 31-7-1999. As the workman failed to submit satisfactory explanation, the case was entrusted to the Enquiry Officer to enquire into the charges. He could not prove his innocence and finally he was removed from service, as per procedure, on 13-12-1999. Aggrieved by the order of removal, the workman raised an Industrial Dispute in ID No.190/2000 before the Labour Court, Ananthapur under Section 2-A(2) of the Industrial Disputes Act, and the Labour Court, without properly appreciating any of the contentions raised by the corporation, passed the award on 25-3-2003 and directed the corporation to reinstate the workman into service with continuity of service and all attendant benefits and full back wages. Aggrieved thereby, the present writ petition is filed by the petitioner-Corporation.

Learned Counsel for the 2nd respondent has contended that the Labour Court has rightly passed the award in favour of the 2nd respondent and, therefore, no interference is called for.

Having considered the fact that the Labour Court held the charge leveled against the respondent-workman as not proved and set aside the orders of removal with consequential benefits of continuity of service and full back wages, this Court is not inclined to interfere with the orders passed by the Labour Court, more so, when no grave illegality or irregularity is pointed out by the petitioner. There are no merits in the Writ Petition and the Writ Petition is accordingly dismissed.

This Court, having considered the submissions made by the learned Counsel for the parties, is of the considered view that the Labour Court has

rightly passed the award in favour of the 2nd respondent. Further, no illegality or irregularity is pointed out by the learned Standing Counsel for the petitioner-Corporation in the award passed by the Labour Court. 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 findings of the Labour Court. There are no merits in the writ petition and the writ petition is liable to be dismissed.

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

17th December, 2018

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