

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 32674 of 2010

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.187 of 2005 on the file of the 1st respondent-Labour Court and quash the award dated 17.12.2007 passed therein insofar as denying continuity of service, attendant benefits and back wages, holding it as illegal and arbitrary. A consequential direction is also sought to grant continuity of service, attendant benefits and back wages to the petitioner.

2. Heard Sri G. Ravi Mohan, learned counsel for the petitioner, and Sri A. Rama Rao, learned standing counsel for APSRTC appearing on behalf of the 2nd respondent.

3. It has been contended by the petitioner that he was appointed as Conductor in the 2nd respondent corporation on 26.01.1987 and his services were regularized on 16.02.1989. While he was discharging his duties on 05.12.2003, the checking officials of the 2nd respondent corporation had conducted a check and found that he had indulged in cash and ticket irregularities and the said conduct was construed as misconduct and the disciplinary authority, after conducting regular departmental enquiry, had imposed a punishment of removal on him for the proven misconduct vide orders dated 27.12.2004. Questioning the same, he unsuccessfully preferred an appeal and a review and, thereafter, raised an industrial dispute in I.D.No.187 of 2005 on the

file of the 1st respondent-Labour Court under Section 2-A(2) of the Industrial Disputes Act. The Labour Court vide award dated 17.12.2007, set aside the orders of removal and directed the 2nd respondent corporation to reinstate him into service as fresh conductor and that he shall not be entitled for continuity of service, attendant benefits and back wages. Aggrieved by the same, he filed the present writ petition.

4. Learned counsel for the petitioner has contended that the Labour Court ought to have granted continuity of service, back wages and other attendant benefits by exercising its power under Section 11-A of the Industrial Disputes Act.

5. On the other hand, learned standing counsel for the 2nd respondent corporation has contended that no illegality or irregularity has been pointed out by the learned counsel for the petitioner in the award of the Labour Court and in the absence of the same, this Court cannot interfere with the award of the Labour Court and, hence, the writ petition is liable to be dismissed.

6. This Court, having considered the submissions made by the parties and perused the record, is of the considered view that the Labour Court has rightly passed the award in favour of the petitioner while exercising the power under Section 11-A of the Industrial Disputes Act. Further, no illegality or irregularity is pointed out by the learned counsel for the petitioner in the award passed by the

Labour Court. Unless and until any illegality or irregularity is pointed out by the learned counsel for the petitioner, normally this Court cannot interfere with the orders of the Labour Court. I find no merits in the writ petition and the same is liable to be dismissed.

7. 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 September, 2018
cbs



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Writ Petition No. 32674 of 2010
(dismissed)

18th September, 2018

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