

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 7583 OF 2003

ORDER :

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.95 of 2000 on the file of the Industrial Tribunal-cum-Labour Court, Ananthapur, and quash the award dated 2.12.2002 passed therein by holding it as illegal and arbitrary.

2. Heard the learned Standing Counsel for the petitioner-corporation and the learned Counsel for the respondent-workman.

3. It has been contended by the petitioner-corporation that the 1st respondent-workman was appointed as casual/daily wage driver, involved in a fatal accident case on 24.6.1996, while he was driving the bus bearing No.AP9z 2795 on route Hindupur to Gorantla as a result a four year girl was killed. In this regard, a preliminary enquiry was conducted and also a criminal case was registered in Crime No.18/96 of Chilamatur Police Station. Basing on the preliminary enquiry report, the petitioner was terminated from the service on 8-7-1996, invoking the instructions of VC & MD., Hyderabad letter No.B1/97(1)/96-Law, dated 7.5.1996. Aggrieved by the order of removal, the workman preferred an Appeal before the Deputy Chief Traffic Manager, which was rejected on 29-2-1997. While the appeal is pending before the appellate authority, the petitioner came to know that the driving license produced by the workman, at the time of selection was found to be not genuine. Aggrieved by the order of

removal, the petitioner raised an Industrial Dispute No.95/2000 before the Industrial Tribunal-cum Labour Court, Ananthapur, and the same was allowed on the erroneous grounds and that the Industrial Tribunal-cum Labour Court has directed the Corporation to reinstate the workman into service with continuity of service and full back wages. 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 2nd respondent vide orders dated 8.7.1996. Challenging the same, the 2nd respondent unsuccessfully preferred an appeal before the competent authorities and, thereafter, raised on industrial dispute in I.D.No.95 of 2000 on the file of the 1st respondent – Industrial Tribunal-cum-Labour Court, under Section 2-A(2) of the Industrial Disputes Act. Without appreciating any of the contentions raised by the corporation, the Tribunal has passed an award dated 2.12.2002 setting aside the order of removal and directing the corporation to reinstate the 2nd respondent into service with continuity of service and full back ages. Aggrieved thereby, the present writ petition is filed.

4. Learned counsel for the petitioner has contended that the Industrial Tribunal-cum-Labour Court has rightly passed the award in favour of workman and, therefore, no interference is called for.

5. This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that when

once the Industrial Tribunal-cum-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 in the award passed by the Industrial Tribunal-cum-Labour Court, this Court cannot interfere with the award. There are no merits in the writ petition.

6. Therefore, the writ petition is dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

19th November, 2018

GS*

ABHINAND KUMAR SHAVILI, J

