

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 13161 OF 2008

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.62 of 2006 on the file of the Labour Court-III, Hyderabad, and G.O.Rt.No.2330, Labour, Employment, Training and Factories (LAB.I) Department, dated 16-10-2007, which was published on the notice board on 1-11-2007 and declare the same as illegal, and to set aside the removal order dated 6-3-2006 and to direct the petitioner herein to reinstate the 1st respondent into service with continuity of service and 50% back wages, salary of the 1st respondent herein should be fixed taking into consideration of the increments for the period which he did not work because of his removal from service as illegal, arbitrary and consequently quash the same. ‘

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

9. It has been contended by the petitioner-corporation that the 1st respondent-workman was appointed as casual conductor on 30-10-1991. The 1st respondent was imposed with number of punishments during his service. His increment was deferred 8 times, Pay was reduced once, suspended once and removed from service once in the year 2001 and was reinstated into service by an award passed in ID No.7/2002, prior to his involvement in the present case. The 1st respondent while conducting bus No.Ap10z 9688 on route

Narayanpet to Mahabubnagar on 12-9-2005 was checked by the checking officials at stage No.7 at 11-55 Hrs. During the course of check, it was detected by the checking officials that the 1st respondent besides violating the rule Issue & Start has failed to issue tickets to 3 passengers (2 adults and a chargeable child), despite collecting the fare from them at the service boarding point itself. The checking officials have issued a charge memo to the 1st respondent and the irregularities committed being serious in nature, the 1st respondent was placed under suspension and a charge sheet dated 19-9-2005 was issued. His conduct was construed as misconduct after ordering for a detailed enquiry into the above said charges. Finally the 1st respondent was removed from service duly following the procedure laid down under the Regulations vide order dated 6-3-2006. Thereafter, the 1st respondent preferred an appeal to the Divisional Manager, Mahabubnagar, and the same was rejected by an order dated 20-6-2006. Aggrieved by the same, the Respondent No.1 preferred review petition before the Regional Manager, Mahabubnagar, and the same was also rejected by an order dated 22-9-2006. Aggrieved by the above said orders, the Respondent No.1 raised a dispute U/s 2A(2) of ID Act before the 2nd respondent. The 2nd respondent, without properly appreciating the facts and circumstances of the case, set aside the removal order dated 6-3-2006, passed against the 1st respondent and directed the petitioner herein to reinstate the 1st respondent into service with continuity of service and 50% back wages. Salary should be fixed

taking into consideration of the increments for the period which he did not work because of his removal from service by the petitioner herein. Aggrieved by the said Award dated 7-8-2006 passed by the 2nd respondent in ID No.62/2000, the present writ petition is filed.

4. Learned counsel for the 1st respondent has contended that the 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 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 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.

ABHINAND KUMAR SHAVILI, J

19th November, 2018.

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