

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.21173 OF 2004

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking to issue writ of Certiorari calling for the records connected to I.D.No.36 of 2001, dated 11.03.2004 passed by the Labour Court, Anantapur and quash the same.

2. Heard A.Rama Rao, learned standing counsel for petitioner-corporation and Government Pleader for Labour.

3. It has been contended by the learned counsel for the petitioner that the respondent was appointed as Conductor during 1999 and while he was discharging his duties, he indulged in cash and ticket irregularities and the said conduct of the respondent was construed as misconduct by the disciplinary authority and after initiating disciplinary proceedings and for the proven misconduct in the enquiry, the respondent was imposed punishment of removal from service, vide orders, dated 14.02.2000. Thereafter, the respondent was unsuccessful in the appeal and review. Thereafter, he filed I.D.No.36 of 2001 and the Labour Court, vide orders, dated 11.03.2004 was pleased to pass orders in favour of the respondent by setting aside the orders of removal and directed the petitioner herein to reinstate the respondent into service with continuity of service, attendant charges and with half back wages. Challenging the same, the present writ petition is filed.

4. It has been contended by the learned standing counsel for the petitioner-corporation that the Labour Court ought not to have interfered with the order passed by the

disciplinary authority imposing punishment for the proven misconduct.

5. Learned counsel for the respondent contended that the Labour Court had rightly passed the orders in favour of the respondent in exercise of powers under Section 11-A of the Industrial Disputes Act, 1947 and no illegality is committed by the Labour Court and this Court should not interfere with the orders passed by the Labour Court.

6. This Court having considered the rival contentions made by both parties, is of the considered view that the Labour Court has rightly passed the orders in favour of the respondent in exercise of powers under Section 11-A of the Industrial Disputes Act, 1947 and by applying the theory of proportionality. As no illegality or irregularity has been pointed out by the petitioner in the orders passed by the Labour Court. this Court is not inclined to interfere with the orders passed by the Labour Court. Therefore, the writ petition is liable to be dismissed.

7. Accordingly, the writ petition is dismissed. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

DATED:12-10-2018

Hsd