

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17417 of 2004

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 pertaining to the ID No: 116/2001 on the file of Labour Court, Ananthpur, and quash the order Dt.15-3-2004 by issuing appropriate writ, order or direction more particularly one in the nature of Writ of certiorari and to pass such other order or orders just and necessary in the circumstances of the case”.

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

It has been contended by the petitioner-Corporation that the 2nd respondent-workman while driving the bus bearing No.AP9z 7269 on route Nandyala to Gooty on 14-9-1999, caused a fatal accident near BC Colony, Panyam at about 5-30 hrs., as a result, one person by name G.Pedda Gurappa was died. A preliminary enquiry has been conducted by the Senior Traffic Inspector. Basing on the preliminary enquiry report, the workman was issued a charge sheet. He submitted his explanation. A detailed enquiry was ordered into the charges. The enquiry officer submitted his report holding that the charge is proved. Thereafter, a show cause notice of removal was issued and after conducting enquiry, finally, the workman was removed from service on 24-1-2000. The appeal and review filed by the workman were rejected. Aggrieved by the order of removal, the workman raised an Industrial Dispute in ID No: 116/2001 on the file of the Industrial Tribunal-cum-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 award on 15-3-2004 setting aside the orders and directing to reinstate the claimant into service with continuity of service, 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.

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

11th December, 2018

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