

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.1546 of 2004

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.11 of 2001 on the file of the 2nd respondent and quash the Award dated 23.06.2003 passed therein holding it as illegal and arbitrary.

Heard Sri N.Vasudeva Reddy, learned Standing Counsel appearing for the petitioner-Corporation, and learned Government Pleader for Labour appearing on behalf of the 2nd respondent.

It is the case of the petitioner-Corporation that the 1st respondent-workman was appointed as Apprentice Conductor on 08.01.1972 and his services were regularized as Conductor with effect from 3.4.1995. While so, on 03-05-1999, a charge sheet was issued to him on the premise of misappropriation of amounts. 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 1st respondent-workman *vide* order dated 24.03.2000. Thereafter, the 1st respondent-workman filed I.D.No.11 of 2001 before the 2nd respondent-

Labour Court-II, Hyderabad, under Section 2-A (2) of the Industrial Disputes Act, 1947. The Labour Court, without properly appreciating any of the contentions raised by the Corporation, passed the Award dated 17.04.2003 directing the Corporation to reinstate the 1st respondent-workman into service with full back wages, continuity of service and attendant benefits. Aggrieved thereby, the present writ petition is filed.

While admitting the writ petition, on 29.01.2004, this Court granted interim stay subject to condition of the petitioner depositing half of the amount awarded by the Labour Court towards back wages.

Now, the issue remains to be considered in this writ petition is with regard to payment of balance half of the amount.

Learned Government Pleader appearing for the 2nd respondent contends that the Labour Court has rightly passed the Award in favour of the 1st 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 view that in the Award, the Labour Court has specifically observed that the findings of the enquiry officer against all the petitioners

therein are perverse and in fact the real higher officials, who mis-conducted themselves in dereliction of their duties, were left without any action, and directed the Corporation to reinstate the 1st respondent-workman into service with full back wages, continuity of service and attendant benefits. 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 petitioner-Corporation in the Award passed by the Labour Court, this Court cannot interfere with the same. There are no merits in the writ petition.

Accordingly, the writ petition is dismissed. No costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

24th December, 2018
rkk