

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 8855 of 2005

ORDER:

1. This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.141 of 2001 on the file of the 1st respondent-Tribunal and to quash the award dated 29.12.2003 passed therein to the extent of denial of back wages.

2. Heard and perused the material available on record.

3. It has been contended by the petitioner that he was appointed as cleaner in the 2nd respondent-corporation in the year 1980 and later, in the month of April, 1985 he was converted as conductor and posted to Amalapuram Bus Depot and while so, the respondent-Corporation issued a charge memo dated 26.9.2000 on the allegation of unauthorized absence, for which he submitted his explanation, but having not satisfied with the same, the respondent-Corporation after conducting enquiry, passed orders dated 12.10.2000 removing the petitioner from service, and that the petitioner was unsuccessful in appeal and review, and thereafter, he filed I.D.No.141 of 2001 before the 1st respondent-Tribunal and the Tribunal allowed the I.D. directing the respondent-Corporation to reinstate the petitioner into service with continuity of service, but without back wages. Aggrieved by denial of back wages, the present writ petition is filed.

4. Learned Counsel for the petitioner has contended that the Tribunal while directing reinstatement of the petitioner ought to have awarded back wages.

5. On the other hand, the learned Standing Counsel for the respondent-Corporation has contended that the Tribunal has taken a lenient view and modified the punishment of removal to that of reinstatement of petitioner into service with continuity of service, but without back wages. Therefore, no interference is called for from this Court.

6. This Court, having considered the above submissions, is of the considered view that the Tribunal has rightly passed the impugned award. Further, no illegality or irregularity has been pointed out in the award passed by the Tribunal. Unless and until grave irregularity is pointed out by the learned counsel for the petitioner, this Court cannot interfere with the impugned award. The writ petition is devoid of merits and the same is liable to be set aside.

7. 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

19th December, 2018
Nn

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Writ Petition No.8855 of 2005
(dismissed)

19th December, 2018

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