

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22015 OF 2009

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.19 of 2008 on the file of the 1st respondent-Labour Court, Warangal, and to quash the award dated 31.1.2009 passed therein.

2. Heard Sri B. Mayur Reddy, learned Standing Counsel for the petitioner and Sri P. Govinda Rajulu, learned Counsel for the 2nd respondent-workman.

3. It is the case of the petitioner that the 2nd respondent-workman was appointed as conductor during the year 1989 and while he was discharging his duties during October, 1992, the checking officials of the petitioner-Corporation conducted check and found that the workman had indulged in cash and ticket irregularities, and for that misconduct, he was placed under suspension. Thereafter, after conducting disciplinary enquiry, the petitioner removed the workman from service on 2.1.1993. The workman preferred appeal and the appellate authority vide order dated 12.12.1993, modified the punishment of removal to that of reinstatement with continuity of service, while imposing penalty of deferment of annual increment for two years with

cumulative effect. Challenging the same, the workman filed review and the same was rejected on 15.6.1999. After lapse of 15 years, the 2nd respondent-workman raised a dispute before the Conciliation Officer. On failure of conciliation talks, the Conciliation Officer referred the matter to the Government and the Government of A.P. referred the matter to the Labour Court under Section 10(1)(d) of the Industrial Disputes Act. The Labour Court vide order dated 31.1.2009 modified the punishment of deferment of annual grade increment for a period of two years with cumulative effect to that of deferment of annual grade increment for a period of two years, but without cumulative effect. The Labour Court further observed that the period from the date of removal to the date of reporting to duty is to be treated as not on duty for all purposes. Aggrieved by the same, the petitioner-Corporation filed the present writ petition.

4. The learned Standing Counsel for the petitioner-Corporation contended that the appellate authority has already taken a lenient view modifying the punishment of removal to that of reinstatement with deferment of annual grade increment for a period of two years with cumulative effect and that the Labour Court should not have interfered with the punishment imposed by the appellate authority and therefore, the award impugned is liable to be set aside.

5. The learned Counsel appearing for the 2nd respondent-workman contended that the Labour Court has rightly exercised its powers and passed award in favour of the workman and moreover, the Labour Court has not committed any illegality or irregularity in passing the award impugned and therefore, the award impugned does not warrant any interference by this Court.

6. This Court has considered the rival submissions made by the parties and the material on record. Unless and until there is some grave irregularity committed by the Labour Court in passing the award, the Courts will not interfere with the award. No illegality or irregularity has been pointed out by the learned Standing Counsel in the award passed by the Labour Court. There are no merits in this writ petition. Therefore, this Court is not inclined to interfere with the award impugned.

7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 28th September, 2018.
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HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22015 OF 2009



28/09/2018

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