

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 11284 of 2009

ORDER:-

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to the Award dated 11.06.2008 in I.D.No. 44 of 2007 passed by the Industrial Tribunal-cum-Labour Court, Warangal and quash the same by holding it as illegal and arbitrary and consequently direct the 2nd respondent to reinstate the petitioner into service with continuity of service, attendant benefits and back-wages.

Heard Sri G. Ravi Mohan, learned counsel for the petitioner and Sri B. Mayur Reddy, learned Standing Counsel for the 2nd respondent – Corporation and perused the material placed on record.

The brief facts of the case are that the petitioner was appointed as Conductor in 1978 and while he was conducting the Bus on 19.05.2006, the checking officials of the Corporation inspected the bus and found that the petitioner had indulged in cash and ticket irregularities and his conduct was construed as misconduct. After conducting detailed enquiry, the disciplinary authority removed the petitioner from service on 13.11.2006 for the proven misconduct. Thereafter, the petitioner unsuccessfully preferred an appeal and review, and later, filed I.D.No. 44 of 2007, and the Labour

Court, without appreciating any of the contentions raised by the petitioner, mechanically dismissed the I.D. on 11.06.2008. Challenging the same the present writ petition is filed.

The learned counsel for the petitioner has submitted that during pendency of the writ petition the petitioner expired on 11.02.2012, and his wife filed W.P.M.P.No. 36435 of 2017 seeking to bring her as legal representative on record, and this Court, by order dated 30.08.2018, has allowed the W.P.M.P., and consequently, the legal representative of the petitioner is brought on record. The learned counsel further pleads that at least the orders of removal be set aside so that the legal representative, who is brought on record, will get some benefit.

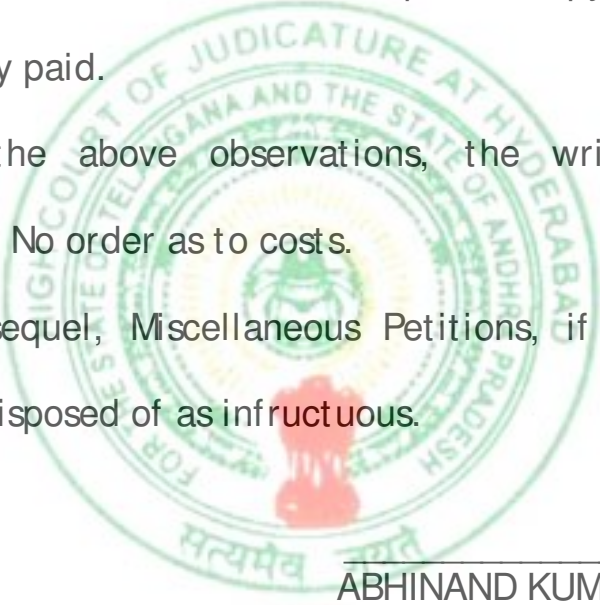
The learned Standing Counsel submits that the disciplinary authority had imposed punishment of removal of service by orders 13.11.2006 for the proven misconduct, and the Labour Court rightly exercised its power under Section 11-A of the Act and the impugned award does not call for any interference. He further submits that as per the regulations of the respondent-Corporation, the benefits of the deceased employee will be paid to the petitioner for the services rendered by him from 1978 till the date of his removal.

This Court, having considered the submissions of both the parties, is of the opinion that inasmuch as no illegality or

irregularity has been pointed out by the petitioner either in the orders of the disciplinary authority or in the award passed by the Labour Court, this writ petition is liable to be dismissed, however this Court feels that ends of justice would be met if the writ petition is disposed of directing the respondent-Corporation to pay service benefits rendered by the deceased-employee from 1978 till his removal from service on 13.11.2006 to the petitioner's wife, within a period of four weeks from the date of receipt of a copy of this order, if not already paid.

With the above observations, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.



ABHINAND KUMAR SHAVILI, J

30.08.2018

bcj