

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos. 25660 of 2005 & 7964 of 2010

COMMON ORDER:

Since the issue raised in both the writ petitions is one and same, they are heard together and being disposed of by this common order.

W.P.No.25660 of 2005 is filed by the Depot Manager, APSRTC, Srikalahasti (for short 'the corporation') and W.P.No.7964 of 2010 is filed by the workman against the award dated 30.03.2005 passed by the Industrial Tribunal-cum-Labour Court, Anantapuram, in I.D.No.363 of 2002.

Briefly, the facts of the case are that the workman was appointed as Conductor in the corporation and while he was discharging his duties during January 2002 the checking officials of the corporation had conducted a check and found that the workman had indulged in cash and ticket irregularities. The said act of the workman was construed as misconduct and after initiating disciplinary proceedings and after conducting a detailed enquiry and for the proven misconduct, the disciplinary authority had imposed punishment of removal of workman from service vide orders dated 19.06.2002. Being aggrieved, the workman unsuccessfully preferred an appeal and a review and, thereafter, filed I.D.No.363 of 2002 on the file of the Industrial Tribunal-cum-Labour Court, Anantapur, under Section 2-A(2) of the Industrial Disputes Act, 1947. The Labour Court vide orders dated 30.03.2005 set aside the orders of removal and directed the corporation to reinstate the workman into service with continuity of service, but without back wages and other attendant benefits. The Labour Court imposed further

punishment of withholding of three annual increments with cumulative effect. Questioning the same, the present writ petitions are filed.

Learned standing counsel for the corporation has contended that the disciplinary authority has not committed any illegality or irregularity in passing the orders of removal and it has imposed the said punishment for the proven misconduct in the enquiry. He has further contended that the Labour Court ought not to have set aside the orders of removal.

Per contra, learned counsel for the workman has contended that the punishment of removal was rightly set aside by the Labour Court and while setting aside the orders of removal, the Labour Court ought not to have imposed another major penalty of withholding of three annual increments with cumulative effect and the Labour Court ought to have exercised its power under Section 11-A of the Industrial Disputes Act and awarded full back wages and other attendant benefits to the workman.

Having considered the rival submissions made by the learned counsel on either side and perused the record, this Court is of the considered view that no illegality or irregularity has been pointed out in the award passed by the Labour Court. Unless and until any grave irregularity or illegality is pointed out either by the learned counsel for the workman or by the learned standing counsel for the corporation, this Court cannot interfere with the findings of the Labour Court. The writ petitions are devoid of merits and the same are liable to be dismissed.

Accordingly, both the writ petitions are dismissed. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petitions shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

22nd October, 2018
cbs



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Writ Petition Nos.25660 of 2005 & 7964 of 2010
(dismissed)

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