

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.31809 OF 2010

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.59 of 2004 on the file of the Labour Court, Godavarikhani, and to quash the award dated 7.7.2007 passed therein by holding it as illegal and arbitrary, and consequently, to direct the respondent herein to reinstate the petitioner with continuity of service and with all attendant benefits including back wages.

2. Heard Sri P. Govinda Rajulu, learned Counsel for the petitioner and Sri A. Ravi Babu, learned Standing Counsel for the respondent-Corporation.

3. It is the case of the petitioner that he was appointed as conductor on 22.8.1998 in the respondent-Corporation and while he was discharging his duties as such, the respondent-Corporation issued charge sheet on 11.9.2000 and kept him under suspension pending departmental enquiry on the allegation that he secured employment by producing fake SSC certificate. After conducting enquiry, the respondent-Corporation removed the petitioner from service vide order dated 23.2.2001. Challenging the same, the petitioner filed

I.D.No.59 of 2004 before the Labour Court. The Labour Court dismissed the I.D. on 7.7.2007. Challenging the same, the present writ petition is filed.

4. Learned Counsel for the petitioner submitted that the Labour Court failed to exercise its power under Section 11-A of the Industrial Disputes Act and that the Labour Court ought to have set aside the order of removal. He further contended that on the same set of allegations, criminal case was also filed against the petitioner i.e., C.C.No.896 of 2000 and in the said C.C., he was acquitted for the criminal charges on 24th December, 2008.

5. Learned Standing Counsel for the respondent-Corporation contended that as the disciplinary authority imposed punishment of removal for the proven misconduct, the Labour Court was not inclined to exercise its powers under Section 11-A of the Industrial Disputes Act. He further contended that unless and until some grave irregularity has been pointed out, this Court cannot interfere with the findings of the Labour Court and that there are no merits in this writ petition.

6. This Court having considered the rival submissions made by the parties and the material available on record, is of the view that the Labour Court has rightly declined to exercise its

power under Section 11-A of the Industrial Disputes Act. In a case of this nature, unless and until some grave irregularity has been pointed out by the petitioner in the award of the Labour Court, the Court will not interfere with the award of the labour Court. No illegality or irregularity has been pointed by the petitioner in the award impugned. 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: 3rd October, 2018.
Nn.

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03/10/2018

Nn.