

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 4049 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with I.D.No.82 of 1999 on the file of the Industrial Tribunal-cum-Labour Court, Visakhapatnam, and quash the order dated 12.06.2001 passed therein. A consequential direction is also sought to the 2nd respondent corporation to reinstate the petitioner into service with continuity of service and back wages.

2. Heard Sri S.A. Razack, learned counsel for the petitioner, and Sri S.V. Ramana, learned standing counsel for the 2nd respondent corporation.

3. It is submitted by the petitioner that he was appointed as a casual conductor in 1997 in the 2nd respondent corporation. While he was conducting a bus on 27.01.1998, the checking officials of the 2nd respondent corporation had found that he had indulged in cash and ticket irregularities, construed the said act as misconduct, and issued a charge sheet. After a detailed enquiry, the 2nd respondent corporation had imposed punishment of disengagement of the petitioner from service vide orders dated 26.06.1998. Aggrieved thereby, the petitioner preferred an appeal to the appellate authority and the same was rejected on 22.08.1998. Thereafter, the petitioner filed a review before the reviewing authority and the same was also rejected vide

orders dated 17.10.1998. Challenging the same, the petitioner filed I.D.No.82 of 1999 on the file of the 1st respondent under Section 2-A(2) of the Industrial Disputes Act. The Labour Court vide orders dated 12.06.2001 dismissed the I.D. Questioning the same, the present writ petition is filed.

4. It has been contended by the counsel for the petitioner that the punishment imposed on the petitioner is disproportionate to the charges leveled against him and, therefore, a lenient view may be taken in the matter and the petitioner may be reinstated into service by setting aside the impugned award.

5. On the other hand, learned standing counsel for the 2nd respondent corporation contends that the disciplinary authority had rightly passed the order of disengagement of the petitioner from service and the same was confirmed by the appellate authority and the reviewing authority as well as the Labour Court and, hence, no interference is called for.

6. This Court, having considered the submissions made by the parties, is of the considered view that the Labour Court had rightly passed the orders impugned in the writ petition and confirmed the orders passed by the disciplinary authority, after relying upon the judgments of the Apex Court as well as the judgment of this Court cited by the standing counsel for the 2nd respondent corporation. Further, the petitioner could not point out any illegality or perversity

in the orders passed by the disciplinary authority or the Labour Court.

I find no merits in the writ petition to interfere with the orders of the Labour Court.

7. Accordingly, the writ petition is dismissed. No order as to costs.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand closed. There shall be no order as to costs.

27th July, 2018
cbs

ABHINAND KUMAR SHAVILI, J



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WRIT PETITION No. 4049 of 2002
(dismissed)

27th July, 2018

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