

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 3652 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.233 of 1997 on the file of the Labour Court, Anantapur, and quash the order dated 10.01.2001 passed therein holding it as illegal and arbitrary.

2. Heard Sri A. Rama Rao, learned standing counsel for APSRTC, appearing for the petitioner corporation and Sri P. Venkateswara Rao, learned counsel for the 2nd respondent-workman.

3. It has been contended by the petitioner corporation that the 2nd respondent was appointed as a casual conductor in the corporation in 1994. While the 2nd respondent was conducting a bus, a check was conducted and the checking officials found that he had indulged in cash and ticket irregularities. The petitioner corporation construed the conduct of the 2nd respondent as misconduct and issued a charge sheet against him, for which he submitted explanation denying the charges. Not satisfied with the said explanation, the corporation ordered for a detailed enquiry. The Enquiry Officer, after conducting an enquiry, submitted his report holding that the 2nd respondent is guilty of the charges leveled against him. Basing on the report of the Enquiry Officer, the petitioner issued a show cause notice of removal on 01.08.1996 for which the 2nd respondent submitted explanation on 19.08.1996. As the said explanation is not convincing, the petitioner

corporation passed the final orders of removal on 21.08.1996. The 2nd respondent had unsuccessfully preferred an appeal and a review and, thereafter, raised an industrial dispute before the Labour Court, Anantapur, in I.D.No.233 of 1997 under Section 2-A(2) of the Industrial Disputes Act. The Labour Court passed an award on 10.01.2001 directing the petitioner corporation to reinstate the 2nd respondent into service with continuity of service, but without back wages. Aggrieved by the same, the present writ petition is filed.

4. Learned counsel for the 2nd respondent has contended that after appreciating the case on merits as well as on proportionality theory, the Labour Court had come to the rescue of the 1st respondent and interfered with the punishment of removal. Therefore, the award of the Labour Court does not warrant any interference from this Court.

5. As can be seen from the impugned award, it is obvious that while exercising the powers under section 11(A) of the I.D. Act, the Labour Court had interfered with the punishment of removal and rightly awarded reinstatement and continuity of service while rejecting back wages to the 2nd respondent. Until and unless some grave irregularity is pointed out by the learned standing counsel for the petitioner corporation in the award passed by the Labour Court, this Court cannot interfere with the finding of the Labour Court. Further, it is brought to the notice of this Court that pursuant to the award of the Labour Court, the petitioner corporation reinstated the 1st

respondent workman into service on 15.06.2001. There are no merits in the writ petition.

6. Therefore, the writ petition is dismissed. No order as to costs.

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

ABHINAND KUMAR SHAVILI, J

14th August, 2018
cbs



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Writ Petition No. 3652 of 2002
(dismissed)

14th August, 2018

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