

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16176 OF 2002

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.135 of 1999 on the file of the Industrial Tribunal-cum-Labour Court, Warangal, and to quash the award dated 27.12.2001 passed therein by holding it as illegal and arbitrary.

2. Heard Sri B. Mayur Reddy, learned Standing Counsel for the petitioner and Smt. K. Udaya Sri, learned Counsel for the 1st respondent-workman.

3. It has been submitted by the petitioners that the respondent-workman was appointed as conductor in the petitioner-Corporation on 4.1.1979 and while he was working as such, during June, 1996, it has been alleged by the petitioners that the respondent-workman caused inconvenience to the public by unauthorizedly absenting himself, and the said conduct was construed as misconduct. It has been further submitted that the disciplinary proceedings were initiated against the petitioner in that regard, and after conducting enquiry, the

petitioner-Corporation removed him from service and thereafter, the appeal preferred by the respondent-workman was rejected, and aggrieved by the same, the respondent-workman filed review and that the reviewing authority considered the case of the respondent-workman and was pleased to modify the punishment of removal to that of reinstatement as fresh conductor, against which, the respondent-workman filed I.D.No.135 of 1999 before the Labour Court and the Labour Court vide order dated 27.12.2001 was pleased to set aside the order of the reviewing authority dated 30.9.1997 and directed the petitioners to reinstate the respondent-workman with continuity of service, full back wages and other attendant benefits. Aggrieved by the same, the petitioner-Corporation filed the present writ petition.

4. It has been contended by the learned Standing Counsel for the petitioners that the Labour Court ought not to have granted continuity of service and full back wages and that the reviewing authority had taken a lenient view and modified the punishment of removal to that of reinstatement as fresh conductor and that the Labour Court ought not to have interfered with the order of the reviewing

authority and the award passed by the Labour Court is illegal and arbitrary.

5. Learned Counsel for the respondent-workman contended that the Labour Court has rightly passed the award and the said award does not warrant any interference by this Court.

6. The Courts shall not normally interfere with the orders of the Labour Court until and unless some grave irregularity or illegality has been pointed out by the parties. In the instant case, no illegality or irregularity was pointed out by the learned Standing Counsel in the award impugned. In view of the same and having considered the rival submissions made by the parties, this Court is of the view that the Labour Court has rightly passed the award impugned and the said award does not warrant any interference by this Court.

7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

ABHINAND KUMAR SHAVILI, J

Dated: 24.9.2018.
nn.



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24/09/2018

Nn.