

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13981 of 2002

ORDER:

1. This Writ Petition is filed by the Andhra Pradesh State Road Transport Corporation challenging the Award dated 16.11.2001 passed in I.D.No.8 of 2001 wherein the Industrial Tribunal-cum-Labour Court, Visakhapatnam passed award in favour of the 1st respondent by setting aside the order of removal dated 5.2.2000 and directing the petitioner-Corporation to reinstate the 1st respondent into service with continuity of service but without back wages.

2. Heard Sri K. Harinath, learned Standing Counsel for the petitioner-Corporation and the learned Government Pleader for Labour.

3. It has been submitted by the petitioner that the 1st respondent, who was working as Conductor in the petitioner-Corporation, had indulged in grave irregularity by submitting fake warrants which were not issued by the police department as per the letter of the Additional Director General of Police, CBCID, Hyderabad, vide Rc.No.4092/B3 dated 15.2.1999, and that after conducting detailed enquiry, the 1st respondent was removed from service, and challenging the order of removal, the 1st respondent has filed I.D.No.8 of 2001 on the file of the

Industrial Tribunal-cum-Labour Court, Visakhapatnam, and the Labour Court passed award dated 16.11.2001 in favour of the 1st respondent by setting aside the order of removal and directing the petitioner-Corporation to reinstate the 1st respondent into service with continuity of service, however, without back wages. Questioning the award of the Labour Court, the present writ petition is filed.

4. Learned Standing Counsel for the petitioner-Corporation has submitted that during the pendency of this writ petition, the 1st respondent was reinstated into service and now the issue is in respect of continuity of service.

5. Learned Government Pleader for Labour contended that as no role has been played by the 1st respondent in respect of submitting fake warrants and there was no material to demonstrate that the 1st respondent was instrumental in submitting fake warrants, the Labour Court has rightly passed the award in favour of the 1st respondent.

6. As can be seen from the award passed by the Industrial Tribunal-cum-Labour Court, it is obvious that the Tribunal interfered with the punishment of removal on the ground of proportionality.

7. This Court having considered the submissions made by the parties is of the view that while exercising the powers under

Section 11(A) of the I.D. Act, the Labour Court has interfered with the punishment of removal on the ground of proportionality and it has rightly rejected the back wages to the 1st respondent, but, however, in respect of continuity of service, the Labour Court has passed order rightly in favour of the 1st respondent. Until and unless some grave irregularity is pointed out in the award passed by the Labour Court, this Court cannot interfere with the findings of the Labour Court. No irregularity or illegality was pointed by the petitioner in the award impugned. In view of the same, this Court is not inclined to interfere with the award impugned.

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

ABHINAND KUMAR SHAVILI, J

Date: 17/09/2018
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17.9.2018

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