

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18246 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of certiorari, calling for records relating and connecting to I.D.No.231 of 1992, dated 20.10.1994 and set aside the same only to the extent of denying continuity of service and back wages to the petitioner and further direct the respondents to pay full back wages and grant continuity of service.

Heard Sri P.Govinda Rajulu, learned counsel for the petitioner and Sri A.Ravi Babu, learned standing counsel for the respondents.

It has been contended by the petitioner that he was appointed as a conductor in the respondent corporation and while he was discharging his duties as a conductor, during 1992 he was issued a charge memo, alleging that he had indulged in cash and ticket irregularities. After a detailed enquiry, the petitioner was removed from service, vide orders, dated 03.04.1992. Challenging the order of removal, the petitioner had raised I.D.No.231/1992 under Section 2-A(2) of the Industrial Disputes Act and the Industrial Tribunal, exercising its power under Section 11-A of the Industrial Disputes Act, was pleased to pass an order on 26.10.1994, setting aside the removal order, dated 03.04.1992 and directed that the petitioner be reinstated into service afresh, without back wages and without continuity of service. Challenging the same, the present writ petition is filed.

Learned standing counsel for the respondents has contended that the Industrial Tribunal has rightly passed an order denying back wages

and continuity of service to the petitioner and directed that the petitioner be reinstated into service afresh.

This court, having considered the rival submissions made by the parties, is of the considered view that when once the Labour Court passed an award exercising its power under Section 11-A of the Industrial Disputes Act, it is very difficult for this court to modify the same, until and unless the order passed by the Labour Court is arbitrary and illegal. Apart from that, the Labour Court held that the charges are proved against the petitioner, however, it has come to the rescue of the petitioner on the proportionality to the proved misconduct. This court is of the view that there are no merits in the writ petition.

The writ petition is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

Date: 16.08.2018
Dsr

ABHINAND KUMAR SHAVILI, J