

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.10918 OF 2002

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the Award dated 29-06-2001 passed in I.D.No.289 of 1997 by the Industrial Tribunal-cum-Labour Court, Ananthapur, and quash or set aside the same by holding it as arbitrary and illegal.

Heard Sri K.Harinath, learned Standing Counsel appearing for the petitioner-Corporation, Sri K.Someswar Kumar, learned counsel appearing for the 1st respondent and learned Government Pleader appearing for the 2nd respondent.

It is the case of the petitioner-Corporation that the 1st respondent-workman was appointed as Conductor in 1994, on temporary basis, and while working as such, on 15-12-1996, the checking officials conducted a surprise check, and found that the 1st respondent had indulged in cash and ticket irregularities. His conduct was construed as a misconduct and hence, charge sheet dated 20-12-1976 was issued to him. After conducting regular departmental enquiry, the petitioner-Corporation removed him from service *vide* proceedings dated 19-04-1977. Thereafter, the 1st respondent had preferred an

appeal and the same was rejected on 10-10-1977. Hence, the 1st respondent-workman filed review petition before the Review Authority, which in turn, had considered the same and ordered his reinstatement into service as Conductor afresh, but without any back wages. Accordingly, the 1st respondent was reinstated into service as Conductor afresh. Again, the 1st respondent had committed certain cash and ticket irregularities and he was removed from service. The appeal and review filed by him were rejected. Thereafter, he was again reinstated into service without back wages and without continuity of service *vide* order dated 7-8-1992. The Government *vide* G.O.Rt.No.1776, dated 19.07.2001, referred the dispute raised by the 1st respondent-workman to the Industrial Tribunal-cum-Labour Court, Ananthapur, for adjudication. The Labour Court passed Award on 29.06.2001 in I.D.No.289 of 1997 and the operative portion of the same reads as under:

“In fact, it is not severity of punishment but its certainty, that deters potential offenders the rest. The workman suffered punishment for considerable period. Therefore, the same has to be altered. The respondent passed order on 19-4-1977. The appellate authority passed order on 18-10-77, while reviewing authority passed the order on 14-1-1998. But workman preferred this I.D during the year 1997. So the workman approached this Court after lapse of long time. Therefore, the order passed by the respondent holds good to the end of 1997 and ordered accordingly.

In the result, an award is passed altering the order passed by the respondent and the order passed by respondent will remain in force till the end of 1997 and thereafter the workman is entitled to get his usual pay from 1998 onwards and he is entitled to get monetary benefits as usual from 1998.”

Challenging the same, the present writ petition is filed.

The Labour Court, while exercising its powers under Section 10-A of the Industrial Disputes Act, 1947, had passed the impugned Award. As the petitioner-Corporation, has not pointed out any irregularity or illegality in the said Award, this Court is of the considered view that that the Award passed by the Labour Court needs no interference by this Court. There are no merits in the Writ Petition and the same is liable to be set aside.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

20th August, 2018-
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