

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23248 of 2005

ORDER :

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with I.D.No.71 of 2004 on the file of the 2nd respondent-Industrial Tribunal-II, Hyderabad, and quash the award dated 05.02.2005 passed therein, holding it as illegal and arbitrary.

Heard learned Standing Counsel for the petitioner-Corporation and Sri P. Venkateshwer Rao, learned counsel for respondent No.1.

It has been contended by the petitioner-Corporation that the 1st respondent-Workman was appointed as Conductor in the Corporation in the year 1973. While so, on some misconduct relating to feeding in the Computer and misplacing the Way Bill, after conducting enquiry, a show cause notice of removal was issued to the 1st respondent on 31.08.2001. Aggrieved by the same, the 1st respondent approached this Court in W.P.No.20801 of 2001 and in pursuance of the order dated 05.10.2001 in W.P.No.20801 of 2001, the petitioner-Corporation has passed final orders removing the 1st respondent from service on 07.12.2001. Questioning the same, the 1st respondent unsuccessfully preferred an appeal, and thereafter raised an industrial dispute in I.D.No.71 of 2004 on the file of

the 2nd respondent-Industrial Tribunal-II, Hyderabad under Section 2-A(2) of the Industrial Disputes Act. The Industrial Tribunal without properly appreciating any of the contentions raised by the Corporation, passed an award dated 05.02.2005 setting aside the order of removal and directing the Corporation to reinstate the 1st respondent into service with continuity of service and with 25% of the back wages. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 1st respondent has contended that the Industrial Tribunal has rightly passed the award in favour of the 1st respondent and, therefore, no interference is called for.

This Court, having considered the rival submissions of the parties, is of the considered view that the Industrial Tribunal has rightly passed the award in favour of the 1st respondent. Further, no illegality or irregularity is pointed out by the learned Standing Counsel for the petitioner-Corporation in the award passed by the Industrial Tribunal. Unless and until any illegality or irregularity is pointed out in the award passed by the Industrial Tribunal, this Court cannot interfere with the award. There are no merits in the writ petition and the same is liable to be dismissed.

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

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

22.01.2019.
Msr

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