

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13709 of 2005

ORDER:

This writ petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit, this Hon'ble Court may be pleased to issue an Order or Direction more particularly in the nature of writ of certiorari calling for the records relating to the award in I.D.No.28/2003 by the Labour Court-III, Hyderabad, dated 1-9-2004 and set aside the same, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case”.

Heard learned Standing Counsel for petitioners-Corporation and learned Counsel for the 2nd respondent-workman.

It has been contended by the petitioners-Corporation that the 2nd respondent-workman was appointed as conductor on 22-12-1995. While he was working at Achampet Depot and conducting bus bearing No.AP10z 356 from Achampet to Mamillapally route on 8-9-2001, a check was exercised by the checking officials at stage $\frac{3}{4}$ and found certain serious cash and ticket irregularities and he was placed under suspension and issued with a charge sheet. He was removed from service after conducting enquiry on certain allegations, vide proceedings dated 22-3-2002. He preferred an appeal and the same was rejected. The workman, without exhausting the remedy of review, challenged the removal orders dated 22-3-2002 in I.D.No.28 of 2003 before the Labour Court-III Hyderabad, under Section 2-A(2) of the Industrial Disputes Act, and the Labour Court, without properly appreciating any of the contentions raised by the corporation, passed an award on 01.09.2004 setting aside the order of removal and directing the corporation to reinstate the 2nd respondent into

service with continuity of service and 50% of back wages. After reinstatement in terms of the award, one (1) increment of the petitioner (2nd respondent herein) shall be stopped with cumulative effect. Petitioner (2nd respondent) is not entitled for attendant benefits. Period of suspension shall not be counted for any purpose. Aggrieved thereby, the present writ petition is filed by the petitioners-Corporation.

Learned Counsel for the 2nd respondent has contended that the Labour Court has rightly passed the award in favour of the 2nd respondent and, therefore, no interference is called for.

This Court, having considered the submissions made by the learned Counsel for the parties, is of the considered view that the Labour Court has rightly passed the award in favour of the 2nd respondent. Further, no illegality or irregularity is pointed out by the learned Standing Counsel for the petitioners-Corporation in the award passed by the Labour Court. Unless and until any illegality or irregularity is pointed out by the learned Standing Counsel for the petitioners-Corporation in the award passed by the Labour Court, this Court cannot interfere with the findings of the Labour Court. There are no merits in the writ petition and the writ petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

21st December, 2018
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