

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No.21637 of 2019

Date: 30.9.2019

Between :

Smt.A.Vijaya Kumari

Petitioner

And

The Chairman, Industrial Tribunal-II,
Hyderabad and others.

Respondents



This court made the following :

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ORDER:

Petitioner while working as Assistant Manager in 3rd respondent-Bank, disciplinary proceedings initiated against her, resulted in reversion from the said post. Aggrieved by the order of reversion, Industrial Dispute was raised in I.D.No.7 of 2016 and the same is pending before the 1st respondent-Tribunal.

2. Initially, petitioner raised objection on the validity of domestic enquiry conducted and requested the Tribunal to decide the same as preliminary issue. The Tribunal agreed with the said contention of the petitioner and by order dated 14.6.2018 held that the domestic enquiry was not validly conducted. Aggrieved thereby, management preferred W.P.No.25490 of 2018 and this Court by order dated 25.7.2018, granted interim suspension of the order of the Tribunal dated 14.6.2018 and thereafter with the consent of both the parties, the said writ petition was allowed on 28.6.2019 and the matter was remanded to the Tribunal to adjudicate the dispute based on the pleadings of respective parties and dispose of the same within a period of six months from the date of order.

3. The petitioner again raised preliminary objection on the validity of domestic enquiry and the Tribunal by docket order dated 19.8.2019 rejected the plea of deciding validity of domestic enquiry by referring to the orders passed by this Court and held that in view of the orders of this Court, again going back to decide the validity of domestic enquiry does not arise and therefore decided to proceed with the matter on merits. The said decision of the Tribunal is under challenge in this writ petition.

4. The learned counsel for petitioner sought to contend that this Court allowed the writ petition and remanded the matter to the Tribunal for adjudication of the dispute and in view of the same, the Tribunal is entitled to adjudicate the dispute including validity of domestic enquiry, therefore, rejecting the request of the petitioner for deciding the validity of domestic enquiry is erroneous and the same is liable to be set aside.

5. As briefly noted above, the reason for filing W.P.No.25490 of 2018 by the Management was on account of the decision made by the Tribunal on 14.6.2018 holding that domestic enquiry was not validly conducted. This Court having noticed that the petitioner herself accepted the charge levelled against her, held that the Tribunal could not have held that the enquiry was not validly conducted and granted interim order and thereafter with the consent of the parties, the said writ petition was allowed, remanding the matter to the Tribunal for adjudication of the dispute. Thus, it cannot be said that the Tribunal can still go into the validity of domestic enquiry. Therefore, I see no error in the decision of the Tribunal, rejecting the request of the petitioner to again decide the validity of domestic enquiry and does not warrant interference by this Court. In a Writ Petition against the decision of the Industrial Tribunal, the jurisdiction of this Court is very limited. Court can interfere only if the order suffers from patent illegality, perversity and without jurisdiction. No such parameters are attracted in this case.

6. For the foregoing reasons, the writ petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

Date: 30.9.2019
DA

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