

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 24548 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with I.D.No.8 of 2002 on the file of the 2nd respondent-Labour Court and quash the award dated 17.04.2002 passed therein holding it as illegal and arbitrary.

Heard learned standing counsel for the petitioner corporation and learned counsel for the 1st respondent.

It has been contended by the petitioner corporation that the 1st respondent workman was appointed as Conductor in the corporation. While so, he had indulged in alteration of number of persons traveled and added more persons to travel on the strength of police warrants and thereby caused loss of revenue to the corporation. The said act of the 1st respondent was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had removed him from service vide orders dated 28.01.2002. Questioning the same, without exhausting the statutory remedy of appeal and review available to him, he raised an industrial dispute in I.D.No.8 of 2002 on the file of the 2nd respondent-Labour Court under Section 2-A(2) of the Industrial Disputes Act. The Labour Court without properly appreciating any of the contentions raised by the corporation, passed an award dated 17.04.2002 setting aside the order of removal and directing the corporation to reinstate the 1st respondent into service

with continuity of service, but without back wages. Further, the Labour Court directed the 1st respondent to pay an amount of Rs.3,340/- towards the loss sustained by the corporation. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 1st respondent has contended that the Labour Court has rightly passed the award in favour of the 1st 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 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 Labour Court. Unless and until any illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the award passed by the Labour Court, this Court cannot interfere with the award. The writ petition is devoid of merits and the same 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

27th November, 2018
cbs

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Writ Petition No.24548 of 2002
(dismissed)

27th November, 2018

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