

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 1552 of 2004

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.19 of 2000 on the file of the 2nd respondent-Labour Court and quash the award dated 10.04.2003 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 Security Guard in the corporation in the year 1992. While so, a charge sheet was issued to him on 11.07.1997 alleging that he forced one Yadaiah, Scavanger of Shadnagar Bus Depot, to send Smt. Gudapu Sathyamma and assaulted said Yadaiah for his refusal, that he was involved in a criminal case, and that he was absent from duty unauthorisedly. 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 18.06.1998. Questioning the same, the 1st respondent unsuccessfully preferred an appeal and thereafter raised an industrial dispute in I.D.No.19 of 2000 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

10.04.2003 setting aside the order of removal and directing the corporation to reinstate the 1st into service with continuity of service and all consequential benefits, but without back wages. 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 properly appreciated the evidence available on record and 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. There are no merits in the writ petition.

Therefore, 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
cbs

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Writ Petition No.1552 of 2004
(dismissed)

21st December, 2018

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