

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23870 of 2003

ORDER:

1. This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.198 of 2000 on the file of the 2nd respondent-Labour Court and quash the award dated 9.5.2003 passed therein holding it as illegal and arbitrary.

2. Heard and perused the material available on record.

3. It has been contended by the petitioner corporation that the 1st respondent workman was appointed as conductor in the corporation in the year 1990, and while he was discharging his duties as such, a charge sheet was issued to him on 12.8.1999 alleging that he was found indulging in cash and ticket irregularities, for which the workman submitted his explanation, and being not satisfied with the same, the petitioner-corporation conducted enquiry and imposed punishment of removal on the workman vide orders dated 12.04.2000, and challenging the same, the 1st respondent-workman raised an industrial dispute in I.D.No.198 of 2000 on the file of the 2nd respondent – Labour Court 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 award dated

9.5.2003 setting aside the order of removal and directing the corporation to appoint the workman as fresher. Aggrieved thereby, the present writ petition is filed by the Corporation.

4. This Court, having considered the above submissions, is of the considered view that when once the Labour Court had exercised the power under Section 11-A of the Industrial Disputes Act, 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.

5. 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

19th December, 2018
Nn

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Writ Petition No.23870 of 2003
(dismissed)

19th December, 2018

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