

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.15543 OF 2002

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with the Award dated 03.10.2001 in I.D.No.60 of 1999 on the file of the Labour Court II/1st respondent in so far as denying the back wages to the petitioner and to quash and set aside the same by holding it as arbitrary and illegal only to the limited extent of terminal benefits.

2. Heard Sri A.K.Jayaprakash Rao, learned Counsel for the petitioner and Sri B. Mayur Reddy, learned Standing Counsel for the 2nd respondent.

3. It has been submitted by the petitioner that the petitioner was appointed as a sweeper with the 2nd respondent corporation during the year 1983 and while she was discharging her duties on 24.09.1997 she received charge sheet alleging that she refused to obey the instructions of the Mechanical Foreman on 14.09./1997 and that she was also remained absent for a total period of 115 days from May, 1996 to August, 1997. Her conduct was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had imposed punishment of removal vide order dated 28.02.1998. The petitioner further submits that thereafter, she has challenged the order of removal before the Industrial Tribunal by filing I.D.No.60 of 1999 under Section 2-A(2) of the Industrial Disputes Act, 1947. The Tribunal, vide orders dated 03.10.2001, was pleased to pass orders in favour of the petitioner and set aside the order of removal and directed the 2nd respondent to reinstate the petitioner with continuity of service only for the purpose of terminal benefits. Challenging the same, the present writ petition is filed.

4. Learned counsel for the petitioner contended that when the 1st respondent set aside the order of removal, it ought to have awarded back wages and that erred in not granting back wages. It is also contended that appropriate orders be passed for back wages to the petitioner.

5. Learned standing counsel for the 2nd respondent has contended that the 1st respondent has rightly passed the award in favour of the petitioner and that the 1st respondent was in conscious view that the petitioner is not entitled for the back wages and, therefore, no interference is called for.

6. This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that when once the 1st respondent 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 2nd respondent in the award passed by the 1st respondent, this Court cannot interfere with the award. There are no merits in the writ petition.

7. Therefore, the Writ Petition is dismissed. No costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

20-12-2018
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