

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 14558 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.294 of 1998 on the file of the 3rd respondent-Labour Court and quash the award dated 27.06.2000 passed therein insofar as not granting back wages, holding it as illegal and arbitrary.

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

It has been contended by the petitioner that he was appointed as conductor in the respondent corporation in the year 1992. While he was discharging his duties on 05.07.1997 the officials of the corporation conducted a check and found that he had indulged in cash and ticket irregularities. The said act was construed as misconduct and after initiating disciplinary proceedings and after conducting a detailed enquiry, the respondent corporation removed him from service vide orders 27.02.1998. Questioning the same, he unsuccessfully preferred an appeal and a review and, thereafter, filed I.D.No.294 of 1998 on the file of the 3rd respondent-Labour Court. The Labour Court vide order dated 27.06.2000 allowed the petition in part setting aside the order of removal and directing the respondent corporation to reinstate the petitioner into service with continuity of

service, but without back wages. Challenging the award to the extent of denial of back wages, the present writ petition is filed.

On the other hand, learned standing counsel for the respondent corporation has contended that the disciplinary authority has rightly imposed the punishment of removal of petitioner from service and the Labour Court has rightly modified the said punishment to that of reinstatement of the petitioner with continuity of service, but without back wages. Therefore, no interference is called for from this Court.

This Court, having considered the submissions made by the learned counsel for the parties and perused the record, is of the considered view that the Labour Court has rightly passed the award impugned in the writ petition. Further, no illegality or irregularity has been pointed out in the award passed by the Labour Court, and unless and until any grave irregularity is pointed out by the learned counsel for the petitioner, this Court cannot interfere with the impugned 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

10th December, 2018
cbs

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Writ Petition No. 14558 of 2002
(dismissed)

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