

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 21632 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.128 of 1998 on the file of the 2nd respondent-Labour Court and quash the order dated 04.09.2001 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 1st respondent corporation.

It has been contended by the petitioner that he was appointed as Conductor in the respondent corporation. While he was discharging his duties on 12.04.1997 the checking officials of the respondent corporation conducted a check and found that he had indulged in cash and ticket irregularities. His conduct was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry, the disciplinary authority removed him from service vide orders dated 11.05.1998. Questioning the same, he filed I.D.No.128 of 1998 on the file of the 2nd respondent-Labour Court. The Labour Court allowed the petition in part setting aside the order of removal and directing the respondent corporation to reinstate him into service with continuity of service, but without back wages. Further, the Labour Court imposed punishment of deferment of annual

increment for three years without cumulative effect. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner has contended that the Labour Court while setting aside the orders of removal ought to have awarded back wages and ought not to have imposed further punishment of deferment of annual increment for three years without cumulative effect.

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 also rightly modified the punishment of removal to that of reinstatement of petitioner into service 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, is of the considered view that the Labour Court has rightly passed the impugned order. Further, no illegality or irregularity has been pointed out in the orders passed by the Labour Court, and unless and until 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 set aside.

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

12th December, 2018
cbs



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Writ Petition No. 21632 of 2005
(dismissed)

12th December, 2018

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