

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 12402 of 2005

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.50 of 2002 on the file of the 1st respondent-Labour Court and quash the award dated 22.09.2004 passed therein holding it as illegal and arbitrary.

Heard learned standing counsel for the petitioner corporation and learned counsel for the 2nd respondent.

It has been contended by the petitioner corporation that the 2nd respondent workman was appointed as Conductor in the corporation in the year 1993. While so, a charge sheet was issued to the 2nd respondent on 23.08.2001 on the ground that he was absent from duty unauthorisedly from 04.08.2001 to 20.08.2001. His conduct was construed as misconduct and 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 05.12.2001. Questioning the same, without exhausting the remedy of appeal, the 2nd respondent raised an industrial dispute in I.D.No.50 of 2002 on the file of the 1st 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 22.09.2004 setting aside the order of removal and directing the corporation to reinstate the 2nd

respondent into service with continuity of service, but without back wages and attendant benefits. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 2nd respondent has contended that the Labour Court has rightly passed the award in favour of the 2nd 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 rightly passed the award in favour of the 2nd 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. 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

24th December, 2018
cbs

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.12402 of 2005
(dismissed)

24th December, 2018

cbs