

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 12292 OF 2004

ORDER :

This writ petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit the petitioner prays that this Hon'ble Court may be pleased to issue an appropriate writ or direction particularly one in the nature of WRIT OF CERTIORARI, quash the impugned award dated 23.09.2003 made in I.D.No.34/2003 on the file of Labour Court-III published on 15.11.2003 as unjust, arbitrary and against the principles of natural justice and consequently direct the respondents to pay the back wages for the removal period along with other consequential benefits in the interest of justice and fair play”.

2. Heard Mr.V.Narsimha Goud, Counsel for the petitioner and Sri K.Harinath, the learned Standing Counsel for the respondents-Corporation.

3. It has been contended by the petitioner that he joined the services as Conductor in the respondents-corporation on 5.4.1985 and his services were regularized with effect from 22.11.1986. The petitioner was removed from service by the 2nd respondent vide order dated 30.07.2002 on the allegation that he behaved in unruly manner with Sri D.K.Kistappa, AMF and abused him in un-parliamentary language. The

petitioner filed ID No.34 of 2003, challenging the orders of removal under Section 2.A(2) of Industrial Disputes Act, before the Labour Court-III and the Labour Court allowed the ID in part, directing the respondents to reinstate the petitioner into service with continuity of service, with attendant benefits and further directed that he is not entitled for any back wages. Challenging the same, the present Writ Petition is filed.

4. The Counsel for the petitioner further submits that the Labour Court ought to have exercised its powers under Section 11-A of Industrial Disputes Act and ought to have directed the respondents to pay full back wages.

5. The Standing Counsel for the respondents-Corporation submits that the Labour Court has rightly passed orders and contends that no grave irregularities or illegalities have been pointed out by the petitioner in the orders passed by the Labour Court and there are no merits in the Writ Petition and the Writ Petition is liable to be dismissed.

6. This Court, having considered the rival submissions made by both the parties, is of the considered view that the Labour Court has rightly passed orders and denied full back wages. Further, the petitioner could not point out any grave irregularities or illegalities in the orders passed

by the Labour Court. There are no merits in the Writ Petition and the Writ Petition is accordingly dismissed.

7. The Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

30th November, 2018

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