

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19602 of 2003

ORDER:

1. This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.198 of 2000 on the file of the 2nd respondent-Labour Court and quash the award dated 16.01.2003 passed therein holding it as illegal and arbitrary.

2. Heard learned Standing Counsel for petitioner-Corporation and learned Counsel for the 1st respondent-workman.

3. It has been contended by the petitioner-Corporation that the 1st respondent-workman was appointed as Conductor in the Corporation in the year 1987 and while he was discharging his duties on 10.6.1993 the checking officials of the corporation conducted a check and found that the workman had involved in cash and ticket irregularities, and that the alleged irregularities were construed as misconduct and after initiating disciplinary proceedings and after conducting enquiry for the proven misconduct, the disciplinary authority imposed punishment of removal from service on the 1st respondent vide orders dated 3.12.1993, and challenging the same, the 1st respondent raised an industrial dispute in I.D.No.198 of 2000 on the file of the 2nd respondent – Labour Court under Section 2-A(2) of the Industrial Disputes Act, and the Labour Court without properly appreciating any of the contentions raised by the corporation,

passed an award dated 16.01.2003 setting aside the order of removal and directing the corporation to reinstate the 1st respondent into service with continuity of service for the purpose of benefits at the time of superannuation and with 25% of back wages from the date of suspension till reinstatement. Aggrieved thereby, the present writ petition is filed by the petitioner-Corporation.

4. Learned Counsel for the 1st respondent has contended that the Labour Court has rightly passed the award in favour of the 1st respondent and, therefore, no interference is called for.

5. 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 1st 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 findings of the Labour Court. There are no merits in the writ petition and the writ petition is liable to be dismissed.

6. 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

5th November, 2018
Nn

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Writ Petition No.19602 of 2003
(dismissed)

5th November, 2018

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