

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17329 of 2005

ORDER:

This writ petition is filed seeking to issue a writ of Certiorari calling for the records related to and connected with I.D.No.93 of 2002 on the file of the 2nd respondent-Labour Court and quash the award dated 29.07.2004 passed therein, holding it as illegal and arbitrary.

Heard learned Standing Counsel for the petitioner-Corporation and Sri N.Vasudeva Reddy, learned counsel for the 1st respondent.

It has been contended by the petitioner-Corporation that the 1st respondent-workman was working as a Conductor in the petitioner-Corporation. While so, a charge sheet was issued to the 1st respondent on certain allegations. 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 07.02.2001. Questioning the same, the 1st respondent unsuccessfully preferred an appeal and revision, and thereafter raised an industrial dispute in I.D.No.93 of 2002 on the file of the 2nd 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 29.07.2004 setting aside the order of removal and directing the Corporation to reinstate the 1st respondent into service with continuity of service and other attendant benefits, but without back wages. It was further directed in the Award that after reinstatement, two annual increments of 1st respondent be deferred

without cumulative effect. Aggrieved thereby, the present writ petition is filed by the petitioner-Corporation.

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.

This Court, having considered the rival submissions of 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 in the award passed by the Labour Court, this Court should not interfere with the award. There are no merits in the writ petition and the same is liable to be dismissed.

Therefore, the writ petition is dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

28th December 2018

ajr