

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 27225 of 2003

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.83 of 1995 on the file of the 2nd respondent-Labour Court and quash the award dated 28.06.2000 passed therein insofar as not granting back wages and attendant benefits, 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 Driver Grade-II in the respondent corporation. While so, he was issued with a charge sheet on the allegation of unauthorized absenteeism from duty from 17.06.1992 to 17.08.1992. After initiating disciplinary proceedings and after conducting regular enquiry, the disciplinary authority removed him from service vide orders dated 04.01.1991. Questioning the same, he unsuccessfully preferred an appeal and a review and, thereafter, filed I.D.No.83 of 1995 on the file of the 2nd respondent-Labour Court. The Labour Court passed an award dated 28.06.2000 setting aside the order of removal and directing the respondent corporation to reinstate the petitioner into service with continuity of service, but without back wages and attendant benefits. 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 attendant benefits.

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 and attendant benefits. 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 award. Further, no illegality or irregularity has been pointed out in the award 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

19th December, 2018
cbs

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Writ Petition No. 27225 of 2003
(dismissed)

19th December, 2018

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