

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.15910 of 2002

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.99 of 2001 on the file of the 1st respondent and quash the Award dated 13.11.2002 passed therein holding it as illegal and arbitrary.

Heard Sri Y.Vivekananda Swamy, learned Standing Counsel for APSRTC appearing on behalf of the petitioner and learned Government Pleader for Labour appearing on behalf of the 1st respondent.

It has been contended by the petitioner-Corporation that the 2nd respondent workman was appointed as Garage Cleaner in the Corporation on 23.12.1977. While so, he was unauthorizedly absent from duties from 2.11.1999 to 22.12.1999 without prior permission or sanctioned leave from the competent authority. 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 imposed punishment of removal on the 2nd respondent vide order dated 15.03.2000. Challenging the same, the 2nd respondent

unsuccessfully preferred an appeal and a review before the competent authorities and, thereafter, raised an industrial dispute in I.D.No.99 of 2001 on the file of the 1st respondent – Industrial Tribunal-cum-Labour Court under Section 2-A(2) of the Industrial Disputes Act, 1947. The Labour Court without properly appreciating any of the contentions raised by the Corporation, passed an award dated 13.11.2002 modifying the punishment of removal to that of stoppage of two annual increments with cumulative effect and directed the Corporation to reinstate the 2nd respondent into service with continuity of service and 50% back wages. Aggrieved thereby, the present writ petition is filed.

Learned Government Pleader appearing for the 1st respondent has contended that the Labour Court has rightly passed the award in favour of the 2nd respondent-workman 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 when once the Labour Court had exercised the power under Section 11-A of the Industrial Disputes Act, 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. There are no merits in the writ petition.

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

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

15th November, 2018
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