

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 19599 of 2003

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the records in M.P.No.41/2002 dated 30.07.2003 on the file of the 1st respondent and to quash the order therein in so far as denying the wages for the period w.e.f. 10.02.1994 to 10.09.1994 to the petitioner.

When the matter is taken up for hearing, it is noticed that the petitioner has attained the age of superannuation and the petitioner has filed this Writ Petition challenging the orders passed in M.P.No.41/2002 dated 30.07.2003 by the Industrial Tribunal, wherein no relief was granted to the petitioner.

It has been contended by the petitioner that he was appointed as Driver by the Respondents and while he was discharging his duties, the petitioner fell sick during 1983 and there afterwards, the Disciplinary Authority had construed the said absence of the petitioner as misconduct and after initiating the disciplinary proceedings, had terminated the services of the petitioner. Challenging the termination orders, the petitioner has filed I.D.No.275/1987 before the Industrial Tribunal vide orders dated 10.02.1994. The Industrial Tribunal was pleased to set-aside the orders of termination and directed that the petitioner be reinstated into service. There afterwards, the petitioner had reported to duty on 10.02.1994, but the respondents have not allowed him to join the duty. There afterwards, the petitioner has moved E.P.No.28/1997 and the Labour Court vide orders

dated 31.12.1998 allowed the E.P.28/1997, directing the respondents to issue posting orders vide orders dated 18.01.1999. There afterwards, posting orders were given to the petitioner.

The grievance of the petitioner is that the wages from 10.02.1994 to 10.09.1994 were not paid by the Respondents. Challenging the same, he has filed M.P.No.41/2002 before the Labour Court, but the Labour Court had rejected the case of the petitioner and dismissed M.P.No.41/2002 vide orders dated 30.07.2003.

This court having considered the said submissions, is of the considered view that the Labour Court has rightly rejected the M.P.No.41/2002 vide orders dated 30.07.2003 with a specific finding that the petitioner did not attend duty on 10.02.1994. When the petitioner had not reported to duty on 10.02.1994, the question of paying wages to the petitioner would not arise. Since no irregularity or illegality has been pointed out by the petitioners in the orders passed by the Labour Court, this Court cannot interfere with the orders passed by the Lower Court. There are no merits in this Writ Petition.

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

Date: 26th December, 2018
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HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.19599 of 2003

26th December, 2018

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