

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.9624 of 2006

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.20 of 2003 on the file of the 1st respondent and quash the award dated 15.12.2005 passed therein holding it as illegal and arbitrary.

Heard Sri B.Mayur Reddy, learned Standing Counsel appearing for the petitioner-Corporation, learned Government Pleader for Labour appearing on behalf of the 1st respondent and Sri P.Sridhar Rao, learned counsel appearing for respondents 2 to 7.

It is the case of the petitioner-Corporation that the 2nd respondent-workman was appointed as Assistant Depot Clerk in the Corporation and was discharging his duties such. While so, he was unauthorizedly absent from duties from 17-06-2000 to 03-06-2000 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 05.05.2001. 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.20 of 2003 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 15.12.2005 setting aside the order of removal and directing the Corporation to reinstate the 2nd respondent into service with continuity of service and with full back wages. Aggrieved thereby, the present writ petition is filed.

It appears, during pendency of the writ petition, 2nd respondent-workman died and his legal representatives were brought on record *vide* order dated 16.09.2015.

Learned counsel for the 1st respondent has contended that the Labour Court has rightly passed the award in his favour 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 costs.

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

JUSTICE ABHINAND KUMAR SHAVILI

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.12475 of 2002
(dismissed)

11th September, 2018

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