

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 4052 of 2004

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.89 of 2002 on the file of the 1st respondent and quash the award dated 10.09.2003 passed therein holding it as illegal and arbitrary.

Heard learned standing counsel for petitioner and learned Government Pleader for Labour appearing on behalf of the respondents.

It has been contended by the petitioner corporation that the 2nd respondent joined as medical transcription trainee on 27.04.1998. After completion of training, petitioner company absorbed the 2nd respondent as regular employee. While so, without assigning any reason, without giving an opportunity to the petitioner and without conducting enquiry, the petitioner company terminated the services of the 2nd respondent on 31.12.1999. Challenging the said order, 2nd respondent raised an industrial dispute in I.D.No.89 of 2002 on the file of the 1st 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 10.09.2003 setting aside the order of removal and directing the corporation to reinstate the 2nd respondent into service with continuity of service and 50% of back wages with costs. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 2nd 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 petitioners' 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. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

26th November, 2018
dv

ABHINAND KUMAR SHAVILI, J

