

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 9886 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for records relating to and connected with L.C.I.D.No.163 of 2002 and quash the award dated 28.11.2003 passed therein, holding it as illegal and arbitrary.

Heard Sri J. Srinivasa Rao, learned standing counsel for the petitioner, and Sri V. Hari Haran, learned counsel for the 1st respondent.

It has been contended by the petitioners that the 1st respondent was engaged with the petitioner company as Badli Filler on 13.04.1995. While so, he remained absent from duty during the year 2000 unauthorisedly. The act of the 1st respondent was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry, he was removed from service vide orders dated 12.08.2001 for the proven misconduct. Questioning the same, he filed L.C.I.D.No.163 of 2002 on the file of the 2nd respondent-Labour Court under Section 2-A(2) of the Industrial Disputes Act, 1947. The Labour Court, without properly appreciating the contentions raised by the petitioners, passed award dated 28.11.2003 setting aside the orders of removal and directing that the respondent workman be appointed as Badli Filler on minimum starting pay scale on or before 01.02.2004 and if he puts in minimum muster rolls for three consecutive years, then only he may be considered for regularization. Challenging the same, the present writ petition is filed.

Learned standing counsel for the petitioners contends that the Labour Court erred in interfering with the orders of removal passed by the petitioners and directing that the respondent workman be appointed as Badli Filler on minimum starting pay and that he may be considered for regularization if he puts in minimum muster rolls for three consecutive years. He further contends that the Labour Court has no power to direct the petitioners to regularize the services of the respondent.

On the other hand, learned counsel for the respondent workman contends that the Labour Court has rightly passed the orders in favour of the respondent in exercise of its power under Section 11-A of the Industrial Disputes Act and the petitioners, instead of appointing the respondent as Badli Filler in compliance with the orders of the Labour Court, approached this Court by way of this writ petition. He further contends that the petitioners could not point out any grave irregularity or illegality in the impugned orders and in the absence of the same, this Court should not normally interfere with the orders of the Labour Court and there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the submissions made by the learned counsel for the parties and perused the record, is of the considered view that the Labour Court has rightly passed the impugned orders in favour of the respondent workman in exercise of its power under Section 11-A of the Industrial Disputes Act. Further, no illegality or irregularity has been pointed out by the learned standing counsel for the petitioners in the orders passed by the Labour Court, and unless and until any grave irregularity is pointed out by the learned standing counsel for the petitioners, this Court

cannot interfere with the impugned orders. The writ petition is devoid of merits and the same is liable to be dismissed.

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

5th December, 2018

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HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No. 9886 of 2004
(dismissed)

5th December, 2018

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