

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 25833 of 2003

ORDER:

1. This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.636 of 2000 on the file of the 1st respondent-Labour Court and quash the award dated 6.3.2003 passed therein to the extent of denial of back wages and other attendant benefits.

2. Heard Sri Mohd. Ghousuddin, learned counsel for the petitioner and learned standing counsel for the 2nd respondent corporation.

3. It has been contended by the petitioner that he was appointed as driver in the respondent corporation, and while so, on 27.11.1997 a charge sheet was issued to him on the ground of unauthorized absence, for which, the petitioner could not give any explanation as he was out of station, and then, the respondent-Corporation conducted ex parte enquiry and issued proceedings dated 24.3.1998 removing the petitioner from service, and aggrieved by the same, the petitioner filed appeal and the said appeal was rejected and thereafter, he filed the I.D.No.636 of 2000 before the Labour Court, and the Labour Court allowed the I.D. in part setting aside the order of removal and directing the respondent-Corporation to reinstate the petitioner into service with continuity of service, but without

back wages and attendant benefits. Aggrieved by denial of back wages and attendant benefits, the petitioner-workman filed this writ petition.

4. Learned counsel for the petitioner has contended that the Labour Court while setting aside the order of removal ought to have awarded back wages and other attendant benefits.

5. On the other hand, learned Standing Counsel for the respondent-Corporation has contended that the disciplinary authority has rightly imposed the punishment of removal of petitioner from service and the Labour Court has taken a lenient view and modified the punishment of removal to that of reinstatement of petitioner into service with continuity of service, but without back wages. Therefore, no interference is called for from this Court.

6. This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that the Labour Court has rightly passed the impugned award. Further, no illegality or irregularity has been pointed out in the award passed by the Labour Court. Unless and until grave irregularity is pointed out by the learned counsel for the petitioner, this Court cannot interfere with the impugned award. The writ petition is devoid of merits and the same is liable to be set aside.

7. 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

18th December, 2018
Nn



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Writ Petition No. 25833 of 2003
(dismissed)

18th December, 2018

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