

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 4153 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.56 of 2001 on the file of the 2nd respondent and quash the award dated 17.10.2003 passed therein holding it as illegal and arbitrary.

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

It has been contended by the petitioner corporation that the 1st respondent workman was appointed as Conductor in the corporation. While so, petitioner was removed from service vide order dated 31.12.1997 for the charges leveled against him in the charge sheet dated 29.03.1997, after initiating disciplinary proceedings and after conducting regular enquiry. Challenging the same, the 1st respondent unsuccessfully preferred an appeal and a review before the competent authorities and, thereafter, raised an industrial dispute in I.D.No.56 of 2001 on the file of the 2nd 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 17.10.2003 setting aside the order of removal and directing the corporation to reinstate the 1st respondent into service without back wages but with continuity of service, including notional increments and other attendant benefits. Aggrieved thereby, the present writ petition is filed.

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 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

