

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 9354 of 2005

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.63 of 2001 on the file of the 1st respondent-Tribunal and to quash the award dated 28.04.2004 passed therein to the extent of denial of back wages.

2. Heard and perused the material available on record.

3. It has been contended by the petitioner that he was employed in the factory of the 2nd respondent on 22.10.1996 as Operator and thereafter, vide order dated 20.5.1999, he was illegally terminated from service, and questioning the same, he filed I.D.No.63 of 2001 before the 1st respondent-Tribunal and the Tribunal allowed the I.D. setting aside the order of removal and directing the 2nd respondent to reinstate the petitioner into service without back wages, with continuity of service and other attendant benefits. Aggrieved by denial of back wages, the present writ petition is filed.

4. Learned counsel for the petitioner has contended that the Tribunal while setting aside the orders of removal ought to have awarded back wages.

5. On the other hand, learned Government Pleader has contended that the Tribunal 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 above submissions, is of the considered view that the Tribunal has rightly passed the impugned award. Further, no illegality or irregularity has been pointed out in the award passed by the Tribunal. 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

20th December, 2018

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Writ Petition No. 9354 of 2005
(dismissed)

20th December, 2018

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