

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.14286 of 2005

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.100 of 2003 on the file of the 2nd respondent and quash the award dated 29.07.2004 passed therein holding it as illegal and arbitrary.

Heard Smt P.Rajani, learned Standing Counsel appearing for the petitioner-Corporation and learned Government Pleader for Labour appearing on behalf of the 2nd respondent.

It is the case of the petitioner-Corporation that the 1st respondent-workman was appointed as Conductor in the Corporation on 28.12.1987 and his services were regularized with effect from 06.06.1989. While so, on 31-08-2001, a check was exercised by the checking officials and they found that the petitioner had indulged in cash and ticket irregularities. His conduct was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had imposed punishment of removal on the 1st respondent *vide* order dated 06.03.2002. 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.100 of 2003 on the file of the 2nd respondent 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 29.07.2004 setting aside the order of removal and directing the Corporation to reinstate the 1st respondent into service with continuity of service and 25% back wages. Aggrieved thereby, the present writ petition is filed.

Learned Government Pleader appearing for the 2nd respondent contends that the Labour Court has rightly passed the Award in favour of the 1st respondent 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 petitioner-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. No costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

24th December, 2018

rkk

