

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.22630 OF 2009

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the Award dated 29-03-2007 passed in I.D.No.144 of 2002 by the Labour Court, Guntur, and to quash or set aside the same by holding it as arbitrary and illegal and consequently to direct the respondents to grant attendant benefits and back wages.

Heard Sri P.Govinda Rajulu, learned counsel appearing for the petitioner, and Sri A.Ravi Babu, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that initially, he was appointed as a Driver on 19-10-1996 in the respondent-Corporation and he was discharging his duties as such. While so, on 08.12.1997, he caused fatal accident. This incident was construed as misconduct, the respondent-Corporation initiated disciplinary proceedings and after conducting regular departmental enquiry, for the proven misconduct, the disciplinary authority had imposed the punishment of removal from service. The appeal and the review preferred by him were dismissed on 28-07-2001 and 17-04-2002 respectively.

Hence, he preferred I.D.No.144 of 2002 before the Labour Court, Guntur. The Labour Court *vide* Award dated 29-03-2007 set aside the removal order and reinstated the petitioner into service, with continuity of service, but without any back wages. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that the Labour Court ought to have granted back wages by exercising its powers under Section 11-A of the Industrial Disputes Act, 1947.

Learned Standing Counsel appearing for the respondent-Corporation contends that the Labour Court had rightly passed the Award and therefore, no interference is called for.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that when no illegality or irregularity has been pointed out by the petitioner in the Award passed by the Labour Court, this Court is not inclined to interfere with the same. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

17th September, 2018
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