

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No. 12100 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.98 of 1998 on the file of the 2<sup>nd</sup> respondent and quash the award dated 10.12.2004 passed therein holding it as illegal and arbitrary.

2. Heard and perused the material available on record.

3. It has been contended by the petitioner-Corporation that the 1<sup>st</sup> respondent workman was appointed as conductor in the corporation in the year 1983, and while so, a charge sheet was issued to him on 13.4.1997 alleging that he produced fake matriculation certificate, for which no explanation was submitted by the workman and thereafter, the petitioner-Corporation conducted enquiry and removed the workman from service vide proceedings dated 29.10.1997, and challenging the same, the 1<sup>st</sup> respondent raised an industrial dispute in I.D.No.98 of 1998 on the file of the 2<sup>nd</sup> respondent – Labour Court under Section 2-A(2) of the Industrial Disputes Act, and the Labour Court without properly appreciating any of the contentions raised by the corporation, passed award dated 10.12.2004 setting aside the order of removal and directing the corporation to reinstate the 1<sup>st</sup> respondent into service with continuity of service and full

back wages. Aggrieved thereby, the present writ petition is filed.

4. Learned counsel for the 1<sup>st</sup> respondent has contended that the Labour Court has rightly passed the award in favour of the workman and, therefore, no interference is called for.

5. 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.

6. 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**

20<sup>th</sup> December, 2018  
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HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.12100 of 2005  
(dismissed)

20<sup>th</sup> December, 2018

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