

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19716 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.159 of 2002 on the file of the 2nd respondent-Labour Court and quash the award dated 31.03.2004 passed therein holding it as illegal and arbitrary.

Heard learned standing counsel for the petitioner corporation and learned counsel for the 1st respondent.

It has been contended by the petitioner corporation that the 1st respondent workman was appointed as Conductor in the corporation on 22.09.1979. While he was discharging his duties on 20.01.2002 the officials of the corporation conducted a check and found that he had indulged in cash and ticket irregularities. The act of the 1st respondent was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had removed him from service vide orders dated 06.08.2002. Questioning the same, the 1st respondent unsuccessfully preferred an appeal and thereafter raised an industrial dispute in I.D.No.159 of 2002 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 31.03.2004 setting aside the order of removal and directing the

corporation to reinstate the 1st respondent into service. Further, the 1st respondent shall be entitled for back wages at 25% and the same shall be paid within the same period, failing which he shall be entitled for interest at 12% p.a. thereon thereafter till realization, with continuity of service but without attendant benefits for the break period. 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 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 the Labour Court has rightly passed the award in favour of the 1st respondent. Further, no illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the award passed by the Labour Court. 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. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

13th December, 2018
cbs

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Writ Petition No.19716 of 2004
(dismissed)

13th December, 2018

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