

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 25232 of 2003

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.204 of 2000 on the file of the 1st respondent-Labour Court and quash the award dated 04.07.2003 passed therein holding it as illegal and arbitrary.

Heard learned standing counsel for the petitioner corporation and learned counsel for the 2nd respondent workman.

It has been contended by the petitioner corporation that the 2nd respondent workman was appointed as Conductor in the corporation. While so, he was issued with a charge sheet dated 02.08.1997 on the allegation that he was absent from duty unauthorisedly. After initiating disciplinary proceedings and after conducting a regular enquiry, the disciplinary authority removed him from vide orders dated 07.02.1998. Challenging the same, the 2nd respondent filed I.D.No.204 of 2000 on the file of the 1st 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 04.07.2003 setting aside the order of removal and directing the corporation to reinstate the 2nd respondent workman into service with continuity of service, but without back wages till the date of filing claim petition on 18.07.2001. However, the 2nd respondent shall be entitled for half of back wages

from 18.07.2001 till the date of publication of award and full back wages thereafter till he is reinstated. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 2nd respondent has contended that the Labour Court has rightly passed the award in favour of the 2nd 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 2nd 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

12th November, 2018
cbs

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Writ Petition No.25232 of 2003
(dismissed)

12th November, 2018

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