

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.24432 of 2003

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with M.P.No.7 of 2001 on the file of the 2nd respondent-Labour Court and quash the order dated 29.07.2002 passed therein holding it as illegal and arbitrary.

Heard learned counsel for the parties.

It has been contended by the petitioner corporation that the 1st respondent workman was appointed as casual Conductor on daily wage basis in the corporation on 22.02.1987. While so, a charge sheet was issued to him alleging certain cash and ticket irregularities. 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 17.10.1988. Questioning the same, the 1st respondent unsuccessfully preferred an appeal and thereafter raised an industrial dispute before the 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 order dated 29.07.2002, holding that the 1st respondent is entitled to full wages for the period he was put-off duty from 27.12.1987 to 17.10.1988 and directed the petitioner herein to file a calculation Memo showing the amount due to the 1st respondent. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 1st respondent has contended that the Labour Court has rightly passed orders 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 orders 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 orders 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 orders 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

14th November, 2018

ajr