

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 22457 of 2003

ORDER:

This writ petition is filed seeking to issue a Writ of Mandamus calling for the record relating to and connected with I.D.No.132 of 1998 on the file of the 2nd respondent-The Additional Tribunal –cum- Addl.Labour Court and quash the order dated 26.06.2002 passed therein insofar as not granting back wages, holding it as illegal and arbitrary.

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

It has been contended by the petitioner that he was appointed as Driver in the respondent corporation. While he was discharging his duties as driver, on 15.06.1994, a Kinetic Honda dashed the bus resulting death of 2 girls on the spot. Thereupon a crime was booked against him. The said information was informed to his superiors by him and basing on the said information, he was placed under suspension on 01.07.1994 pending enquiry and after conducting departmental enquiry, he was removed from service vide orders dated 31.03.1995. Questioning the same, he filed I.D.No.132 of 1998 on the file of the 2nd respondent-Labour Court. The Labour Court allowed the petition in part directing the respondent corporation to reinstate him into service with continuity of service, without backwages but with attendant benefits. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner has contended that the Labour Court while setting aside the orders of removal, ought to have awarded back wages.

On the other hand, learned standing counsel for the respondent corporation has contended that the disciplinary authority has rightly imposed the punishment of removal of petitioner from service and the Labour Court has also rightly modified the punishment of removal to that of reinstatement of petitioner into service with continuity of service, but without back wages. Therefore, no interference is called for from this Court.

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 impugned order. Further, no illegality or irregularity has been pointed out in the orders passed by the Labour Court, and unless and until grave irregularity is pointed out by the learned counsel for the petitioner, this Court cannot interfere with the impugned award. The writ petition is devoid of merits and the same is liable to be set aside.

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

26th December, 2018
ysk

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.22457 of 2003

26th December, 2018

ysk