

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 12117 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.299 of 1999 on the file of the 2nd respondent and quash the award dated 9.12.2004 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 1st respondent workman was appointed as driver in the corporation and while so, a charge sheet was issued to him on 13.6.1995 alleging that he failed to stop the service bus at Brindavan Hotel point, Vijayawada on 5.6.1995 when the mechanical chargeman and other passengers tried to stop the bus, and he attempted to assault mechanical chargeman. Further, it has been contended by the petitioner-Corporation that being not satisfied with the explanation submitted by the workman to the charge sheet, the petitioner-Corporation conducted enquiry and removed the workman from service vide proceedings dated 20.1.1996, and challenging the same, the 1st respondent raised an industrial dispute in I.D.No.299 of 1999 on the file of the 2nd 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 9.12.2004 setting aside the order of removal and directing the corporation to reinstate the 1st respondent into service with continuity of service and back wages. Aggrieved thereby, the present writ petition is filed.

4. Learned counsel for the 1st 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

20th December, 2018
Nn

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Writ Petition No.12117 of 2005
(dismissed)

20th December, 2018

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