

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 17217 of 2005

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.176 of 1999, on the file of the 1st respondent- Industrial Tribunal –cum- Labour Court and quash the Award dated 24.09.2004 passed therein holding it as illegal and arbitrary.

Heard learned standing counsel for APSRTC appearing on behalf of the petitioner and learned Government Pleader for Labour appearing on behalf of the Respondent No.1.

It has been contended by the petitioner corporation that the 2nd respondent workman was appointed as Driver in the corporation and due to his rash and negligent driving, it resulted in death of a scooterist and pillion rider on the spot and domestic enquiry was ordered against him. His conduct was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had imposed punishment of removal on the 2nd respondent vide orders dated 03.12.1997. Challenging the same, the 2nd respondent unsuccessfully preferred an appeal and a review before the competent authorities and, thereafter, raised an industrial dispute in I.D.No.176

of 1999 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 24.09.2004 setting aside the order of removal and directing the corporation to reinstate the 2nd respondent into service with continuity of service and back wages. 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 his favour 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 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.

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

28th December, 2018
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