

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 18659 of 2007

O R D E R:

The present writ petition is filed seeking *Certiorari* calling for records pertaining to and connected with the Award dated 30.12.2006, passed in ID No.246 of 2003 on the file of respondent No.2, and quash the same as illegal and arbitrary.

2. The brief facts of the case are that respondent No.1 was appointed as Shramik in petitioner-Corporation in the year 1989. while so, petitioner Depot has given an absenteeism report dated 16.04.2002 informing that respondent No.1 was absented duties from 10.04.2002 to 15.4.2002 for which respondent No.1 submitted his explanation along with sick certificate for the said absented period and that due to his absence, the maintenance of the vehicle was badly effected and requested to take necessary action in this regard. Basing on the same, a charge sheet dated 19.04.2002 was issued framing a charge against the petitioner. After affording opportunity to respondent No.1 and basing on the evidence available on record, the enquiry officer submitted his report dated 01.06.2002 holding the charge proved. A show cause

notice of removal dated 08.07.2002 was ordered against respondent No.1. The appeal and the review preferred by respondent No.1 were rejected. Aggrieved by the same, the respondent No.1-workman raised ID No.246 of 2003 before respondent No.1-labour Court, wherein the labour Court set aside the order of removal of respondent No.1 and directed petitioner corporation to reinstate him with continuity of service and attendant benefits with 50% back wages. Aggrieved by the same, the present writ petition is preferred by the petitioner-corporation.

3. Heard learned Standing Counsel for petitioner-Corporation and learned counsel for respondent No.1-workman. Perused the material on record as well as the impugned order.

4. The learned Standing Counsel for petitioner-Corporation would contend that respondent No.2 without appreciating any of the contentions raised by the petitioner-corporation for the proved misconduct against respondent No.1, in a mechanical way passed the impugned Award in favour of workman and at any rate, no reasons were assigned for awarding half of the backwages and therefore, the impugned order is liable to be dismissed.

5. The learned counsel for respondent No.1-workman contended that the labour court is justified in passing the award in favour of respondent No.1-workman and reinstating him with 50% backwages.

6. Having heard the rival contentions of both the counsel, this Court finds no reasons to entertain the writ petition filed by petitioner-corporation and the same is devoid of merits and liable to be dismissed.

7. Accordingly, the writ petition is dismissed. No costs.

8. Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

08.11.2018
Mjl/*

ABHINAND KUMAR SHAVILI, J

