

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.8040 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.78 of 2003 on the file of the 2nd respondent-Labour Court and quash the award dated 15.9.2004 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 conductor in the corporation in the year 1997, and while so, on the ground of unauthorized absence, a charge sheet was issued to her, for which she gave explanation, and being not satisfied with the same, the petitioner-corporation conducted enquiry and imposed punishment of removal on the 1st respondent vide orders dated 30.7.2002, and the 1st respondent workman was unsuccessful in the appeal and review, and thereafter, she raised an industrial dispute in I.D.No.78 of 2003 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 15.9.2004 setting aside the order of

removal and directing the corporation to reinstate the 1st respondent herein into service with full back wages, continuity of service and other attendant benefits. Aggrieved thereby, the present writ petition is filed by the Corporation.

4. Learned Counsel for the 1st respondent has contended that the Labour Court has rightly passed the award in favour of the 1st respondent and, therefore, no interference is called for.

5. This Court, having considered the above submissions, 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

19th December, 2018
Nn

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.8040 of 2005
(dismissed)

19th December, 2018

Nn