

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 2778 of 2008

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.21 of 2003 on the file of the 2nd respondent-Labour Court and quash the award dated 22.01.2007 passed therein holding it as illegal and arbitrary.

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

It has been contended by the petitioner corporation that one Mr. M. Chennaiah was appointed as Conductor in the corporation in the year 1986. While so, a charge sheet dated 15.12.1998 was issued to him on the allegation that he was absent from duties unauthorisedly. After initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had removed him from service vide orders dated 20.09.1999. Aggrieved thereby, the claimant unsuccessfully preferred an appeal and thereafter filed a review petition. The reviewing authority modified the punishment of removal to that of fresh appointment. Questioning the same, the 1st respondent union raised a dispute before the Government which referred the dispute to the 2nd respondent-Labour Court under Section 10 (1) (c) of the Industrial Dispute Act, 1947 for settlement which was numbered as I.D.No.21 of 2003. The Labour Court without properly appreciating any of the contentions raised by

the corporation, passed an award dated 22.01.2007 modifying the order of the reviewing authority to that of reinstatement of the workman with continuity of service, but without attendant benefits and back wages for the break period. Aggrieved thereby, the present writ petition is filed.

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.

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 award in favour of the workman. Further, no illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the award passed by the Labour Court. 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

29th November, 2018
cbs

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Writ Petition No.2778 of 2008
(dismissed)

29th November, 2018

cbs