

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 11093 of 2004

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.102 of 2001 on the file of the 1st respondent-Labour Court and quash the award dated 03.12.2003 passed therein holding it as illegal and arbitrary.

Heard learned standing counsel for the petitioner corporation and learned counsel for the 2nd respondent.

It has been contended by the petitioner corporation that the 2nd respondent workman was appointed as Driver in the corporation. While so, he was issued with a charge sheet on the ground that he caused an accident on 25.12.1998 resulting in injuries to eight passengers and damage to the vehicle. The act of the 2nd respondent was construed as misconduct and 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 30.09.1999. Questioning the same, the 2nd respondent unsuccessfully preferred an appeal and a review and, thereafter, raised an industrial dispute in I.D.No.102 of 2001 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 03.12.2003 setting aside the order of removal and

directing the corporation to reinstate the 1st respondent into service, with continuity of service, attendant benefits and 50% of back wages from the date of removal till the date of reinstatement. 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 favour of the 2nd respondent 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 2nd respondent. 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.11093 of 2004
(dismissed)

29th November, 2018

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