

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 1832 of 2004

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.158 of 2000 on the file of the 1st respondent and to quash the award dated 01.07.2003 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 that the 2nd respondent workman was appointed as casual driver in the Corporation. While so, a show cause notice of termination dated 26.06.1997 was issued to him on the ground that the driving licence furnished by him was not genuine. Since the 2nd respondent failed to submit satisfactory explanation, he was removed from service vide orders dated 13.04.1998. Aggrieved by the same, the 2nd respondent filed I.D.No.158 of 2000 before the 1st respondent-Labour Court, and the Labour Court vide award dated 01.07.2003 set aside the orders of removal and directed the corporation to reinstate the 2nd respondent into service with continuity of service and all other attendant benefits, but with half of back wages. Aggrieved by the same, the petitioner-Corporation filed this writ petition.

4. The learned Standing Counsel for the petitioner submits that the allegations made against the workman are serious in nature and that the labour Court failed to consider the terms and the nature of appointment of the workman, and that the workman is not entitled to 50% of back wages under the principle of 'no work no pay'.

5. This Court, having considered the above submissions, is of the considered view that the workman was working only as a casual driver and the Labour Court erred in granting 50% of back wages. Therefore, ends of justice would be met if the award passed by the labour Court in respect of 50% of back wages is modified to that of 25% back wages.

6. Accordingly, the Writ Petition is disposed of modifying the award passed by the labour Court in respect of 50% of back wages to that of 25% back wages. Rest of the award is confirmed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

21st December, 2018
Nn

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.1832 of 2004
(disposed of)

21st December, 2018

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