

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 11270 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.202 of 2000 on the file of the 1st respondent-Labour Court and quash the award dated 09.09.2003 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 Conductor in the corporation. While so, a charge sheet dated 20.08.1997 was issued to him on the ground that he had indulged in cash and ticket irregularities while he was discharging his duties on 25.06.1997. 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 04.09.1998. Questioning the same, the 2nd respondent unsuccessfully preferred an appeal and a review and thereafter raised an industrial dispute in I.D.No.202 of 2000 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 09.09.2003 setting aside the order of removal and directing the corporation to reinstate the 2nd respondent into service

with continuity of service, back wages till the date of filing the claim petition and entitling the 2nd respondent for half of back wages from 27.07.2000 till the date of publication of the award. Further, the Labour Court imposed punishment of deferment of one increment with cumulative effect. 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

30th November, 2018
cbs

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Writ Petition No.11270 of 2004
(dismissed)

30th November, 2018

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