

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14613 of 2003

ORDER:

This writ petition is filed seeking a writ of certiorari calling for the records relating to the order dated 17-12-2002 in I.D.No.333 of 1999 passed by the 3rd respondent and quash and set aside the same, as illegal and sought for a consequential direction to reinstate the petitioner into service with backwages and all attendant benefits.

Heard Sri Srinivasa Baba, learned counsel for the petitioner and Sri K.Mohan, learned counsel for the respondents.

It has been contended by the petitioner that she was appointed as Assembler with the respondents on 07-04-1980. While she was discharging her duties, it has been alleged by the respondents that petitioner was not upto the mark and also instigating others not to accomplish the targets set by the respondents and the said conduct of the petitioner was construed as misconduct and the respondents have initiated disciplinary proceedings and after following the procedure, they have terminated the services of the petitioner on 30.09.1997. Challenging the said orders, the petitioner filed I.D.No.333 of 1999 under Section 2 (A) (2) of the Industrial Disputes Act, 1947 (for short 'the Act'). The Tribunal vide order dated 17.12.2002 was pleased to dismiss the I.D preferred by the petitioner without considering any of the contentions raised by the petitioner. The

petitioner further contends that the Tribunal ought to have exercised Section 11 of the Act and applied the Wednesbury principle interfering with the punishment of dismissal and ought to have directed the respondents to reinstate the petitioner into service with backwages and all attendant benefits.

Sri K.Mohan, learned counsel appearing for the respondents contended that the petitioner has worked only for 7 years and for a proven misconduct, disciplinary action has been initiated and after following the procedure, the respondents have dismissed the petitioner from services. Therefore, no illegality is committed by the respondents in dismissing the services of the petitioner. He further contends that the Labour Court has rightly dismissed the ID preferred by the petitioner and that there are no merits in the writ petition and is liable to be dismissed. He further contends that the petitioner has attained the age of superannuation and at this point of time, the question of reinstating the petitioner into service does not arise.

This Court after considering the rival submissions of both the parties is of the considered view that the Labour Court ought to have considered the case of the petitioner by applying Wednesbury principle theory to interfere with the punishment of dismissal. To meet the ends of justice, the respondents are directed to pay an amount of Rs.1,00,000/- as compensation to the petitioner within eight weeks from the date of receipt of copy of this order.

With the above observations, the Writ Petition is disposed of.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

ABHINAND KUMAR SHAVILI,J

Dt: 22.11.2018
dv

