

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 10423 of 2005

O R D E R:

This writ petition is filed seeking to issue a writ of *Certiorari* calling for records pertaining to and connected with the Award dated 10.12.2004 passed in ID No.18 of 1994 by respondent No.1 and quash the same illegal and arbitrary.

It is stated that respondent No.2-workman was appointed as Head Mali on 02.06.1984 in petitioner's Club. While so, he unauthorizedly absented from duty with effect from 13.05.1993. He was terminated from service by order dated 16.09.1993. Questioning the same, respondent No.2-workman preferred ID No.18/1994. Respondent No.1, by Award dated 03.01.1995 dismissed the said ID. Questioning the same, the petitioner filed a writ petition in WP No.12431 of 1995 before this Court and this Court by order dated 26.04.2004 remanded the ID for fresh disposal. Thereafter, respondent No.1 passed the impugned Award dated 10.12.2004 directing the petitioner to reinstate the petitioner with full back wages and all other benefits. Hence, this writ petition.

Heard learned counsel for petitioner and learned counsel appearing for respondent No.2.

Learned counsel for petitioner submits that petitioner terminated respondent No.2 duly following the rules and regulations of the Club and considering the same, respondent No.1 ought not to have reinstated the petitioner with backwages and hence, the order impugned is liable to be set aside.

Learned counsel for respondent No.2-workman would submit that respondent No.1 has rightly reinstated respondent No.2 with backwages and there is no illegality or irregularity committed in the order impugned warranting interference of this Court under Article 226 of the Constitution of India.

Having considered the rival submissions of both the counsel, this court is of the considered view that respondent No.1 has rightly passed the Award in favour of respondent No.2 and no illegality or irregularity has been pointed out so as to interfere with the order impugned and hence, there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

Miscellaneous Petitions, if any, pending in this writ Petition shall stand dismissed.

ABHINAND KUMAR SHAVILI, J

09th November, 2018
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