

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 9910 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with L.C.I.D.No.73 of 2003 on the file of the 2nd respondent-Labour Court and to quash the award dated 8.12.2003 passed therein by holding it as illegal and arbitrary.

Heard Sri K. Srinivasa Murthy, learned Standing Counsel for the petitioner-company and Sri B. Sudhakar Reddy, learned Counsel for the unofficial respondents.

It has been contended by the petitioner-company that the 1st respondent-workman was appointed on 19.12.1990 and he was dismissed on 13.9.1998 on the ground of absenteeism, and his case was considered for re-appointment, but he was not selected on the ground that he has squint eye, and therefore, he filed the above L.C.I.D., and the Labour Court passed award modifying the punishment of dismissal to that of fresh appointment on minimum scale as the workman was found unfit for underground work and that the workman shall be provided with an alternative surface work of the similar nature in the minimum pay scale on or before 29.2.2004 failing which, he will be entitled to the last pay drawn from 1st March, 2004, but however, he is not entitled for continuity of service for any purpose including terminal benefits and he need not be made

permanent if he does not put in minimum musters for three consecutive years. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 1st respondent has contended that the Labour Court has rightly passed the award in favour of the workman 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 when once the Labour Court had exercised the power under Section 11-A of the Industrial Disputes Act, unless and until any illegality or irregularity is pointed out by the learned standing Counsel for the petitioner-Company 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
Nn

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Writ Petition No.9910 of 2004
(dismissed)

30th November, 2018

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