

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 15992 of 2005

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.58 of 2002, on the file of the 1st respondent- Industrial Tribunal –cum- Labour Court and quash the Award dated 24.08.2004 passed therein holding it as illegal and arbitrary.

Heard learned standing counsel for APSRTC appearing on behalf of the petitioner and learned Government Pleader for Labour appearing on behalf of the Respondent No.1.

It has been contended by the petitioner corporation that the 2nd respondent workman was appointed as Driver in the corporation and on 18.09.1999, when he was driving the bus, it was alleged that the he was in drunken state and driving the bus in a rash and negligent manner and that he was about to cause an accident with a lorry in the outskirts of Chennai and that the bus was damaged at two places on the right side and that basing on the report of the Bus Station Manager, Chennai and also written complaint from the passengers, he was placed under suspension. His conduct was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had imposed punishment of removal

on the 2nd respondent vide orders dated 31.05.2000. Challenging the same, the 1st respondent unsuccessfully preferred an appeal and a review before the competent authorities and, thereafter, raised an industrial dispute in I.D.No.58 of 2002 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 24.08.2004 setting aside the order of removal and directing the corporation to reinstate the 2nd respondent into service with continuity of service but without any back wages. 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 his favour 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 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

Date: 28th December, 2018
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