

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5632 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with I.D.No.50 of 2001 on the file of the 1st respondent-Labour Court and quash the award dated 17.01.2003 passed therein, holding it as illegal and arbitrary.

Heard learned Standing Counsel for the petitioner-Corporation and Sri C.Sunil Kumar Reddy, learned counsel for the 2nd respondent.

It has been contended by the petitioner-Corporation that the 2nd respondent workman was appointed as Casual Conductor in the Corporation on 19.01.1998. While so, a charge sheet was issued to the 2nd respondent on 06.05.1998 on certain allegations. 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 19.02.1999. Questioning the same, the 2nd respondent unsuccessfully preferred an appeal and revision, and thereafter raised an industrial dispute in I.D.No.50 of 2001 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 17.10.2003 setting aside the order of removal and directing the Corporation to reinstate the 2nd respondent into service with continuity of service and all other attendant benefits. The Corporation was further directed to pay 50%

of back wages till the date of award and full wages from the date of passing of award till the date of reinstatement. 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 rival submissions of 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 in the award passed by the Labour Court, this Court cannot interfere with the award. There are no merits in the writ petition and the same is liable to be dismissed.

Therefore, the writ petition is dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

12th December 2018

ajr