

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.20573 OF 2002

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with the Award dated 27.06.2000 in I.D.No.287 of 1997 on the file of the Labour Court III/1st respondent in so far as denying the back wages to the petitioner and to quash and set aside the same by holding it as arbitrary and illegal.
2. Heard Sri G.Ravi Mohan, learned Counsel for the petitioner and learned Standing Counsel for the 2nd respondent.
3. It has been submitted by the petitioner that the petitioner was appointed as a cleaner in the 2nd respondent corporation on 23.10.1991 and while he was discharging his duties on 24.09.1994 he received charge sheet alleging that he stealth FIP's E-2 and E-6 injectors from FIP section from ZWS Uppal on 24.09.1996 by keeping them inside the engine bonnet of the DGT No. AAZ 8163 without any valid gate pass. 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 termination vide order dated 03.06.1997. The petitioner further submits that thereafter, she has challenged the order of termination before the Industrial Tribunal by filing I.D.No.287 of 1997 under Section 2-A(2) of the Industrial Disputes Act, 1947. The Tribunal, vide orders dated 27.0.2000, was pleased to pass orders in favour of the petitioner and set aside the order of termination and directed the 2nd respondent to reinstate the petitioner with continuity of service with continuity of service but without back wages. Challenging the same, the present writ petition is filed.

4. Learned counsel for the petitioner contended that when the 1st respondent set aside the order of termination, it ought to have awarded back wages and that erred in not granting back wages. It is also contended that appropriate orders be passed for back wages to the petitioner.

5. Learned standing counsel for the 2nd respondent has contended that the 1st respondent has rightly passed the award in favour of the petitioner and that the 1st respondent was in conscious view that the petitioner is not entitled for the back wages and, therefore, no interference is called for.

6. This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that when once the 1st respondent 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 2nd respondent in the award passed by the 1st respondent, this Court cannot interfere with the award. There are no merits in the writ petition.

7. Therefore, the Writ Petition is dismissed. No costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

20-12-2018
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