

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 8021 of 2005

ORDER:

1. This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.32 of 2001 on the file of the 2nd respondent and quash the award dated 16.3.2004 passed therein holding it as illegal and arbitrary.
2. Heard and perused the material available on record.
3. It has been contended by the petitioner-Corporation that the 1st respondent workman was appointed as conductor in the corporation, and while he was discharging his duties, a charge sheet was issued to him on 25.11.1995 on the ground of unauthorized absence, for which the workman submitted his explanation. Further, it has been contended by the petitioner that being not satisfied with the explanation of the workman, the petitioner-Corporation conducted enquiry and removed the workman from service vide proceedings dated 10.8.1996, and challenging the same, the 1st respondent filed appeal, and in the appeal, the order of removal was set aside and the corporation was directed to appoint the workman as fresh conductor, and aggrieved by the same, the workman filed review and the said review was rejected, and then, the workman filed the above I.D. and the Labour Court modified the order of the appellate authority as reinstatement with continuity

of service, without any break for all purposes with 25% back wages and with proportionate consequential benefits. Aggrieved by the same, the present writ petition is filed by the Corporation.

4. 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.

5. 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.

6. Accordingly, 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

19th December, 2018
Nn

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Writ Petition No.8021 of 2005
(dismissed)

19th December, 2018

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