

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 11595 of 2004

ORDER:

This Writ Petition is filed seeking to issue a Writ of Certiorari to call for the records relating to and connected with I.D.No.45 of 2001 on the file of the 1st respondent-Labour Court and quash the award dated 20.01.2003 passed therein in so far as denying back wages and attendant benefits and imposition of stoppage of three increments with cumulative effect, holding it as illegal and arbitrary.

2. Heard learned counsel for the petitioner and learned Standing Counsel for the 2nd respondent-Corporation.

3. It has been contended by the petitioner that he was initially appointed as Driver in the respondent corporation in the year 1975 and while he was discharging his duties on account of disciplinary measure he was removed from service for causing an accident, vide orders dated 17.05.1999. Aggrieved thereby, the petitioner unsuccessfully preferred an appeal and a review and thereafter filed I.D. No.45 of 2001 on the file of the 1st respondent-Labour Court under Section 2.A(2) of Industrial Disputes Act and the Industrial Tribunal vide award dated 20.01.2003 set aside the orders of removal and directed reinstatement of the petitioner into service with continuity of service, but without back wages. Further, the Labour Court imposed punishment of deferment of three increments with cumulative effect. Challenging the same, the present Writ Petition is filed.

4. The Counsel for the petitioner submits that the respondent corporation ought to have exercised its power under Section 11-A of the Industrial Disputes Act and ought to have directed to pay full back wages and other attendant benefits. He further submits that the Labour Court ought not to have imposed further punishment of deferment of three increments with cumulative effect.

5. The Standing Counsel for the respondent-Corporation submits that the Labour Court has rightly passed the award in favour of the petitioner and contends that no grave irregularities or illegalities have been pointed out by the petitioner in the award passed by the Labour Court and there are no merits in the Writ Petition and the Writ Petition is liable to be dismissed.

6. This Court, having considered the rival submissions made by both the parties, is of the considered view that the Labour Court has rightly passed the award and denied back wages and other attendant benefits and imposed further punishment. The petitioner could not point out any grave irregularities or illegalities in the award passed by the Industrial Tribunal. There are no merits in the Writ Petition and the Writ Petition is accordingly dismissed.

7. Consequently, Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

30th November, 2018
cbs

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Writ Petition No. 11595 of 2004
(dismissed)

30th November, 2018

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