

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19638 of 2007

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.67 of 2004 on the file of the 2nd respondent-Labour Court and quash the award dated 20.09.2006 passed therein holding it as illegal and arbitrary.

2. Heard the learned standing Counsel appearing on behalf of the petitioners and learned Counsel for the 1st respondent-workman.

3. It has been contended by the petitioner corporation that the 1st respondent workman was appointed as Driver in the corporation in the year 1991, and while so, on the ground that he caused fatal accident on 13.2.2000, he was removed from service vide order dated 23.9.2000 after conducting regular enquiry, and challenging the same, the 1st respondent unsuccessfully preferred an appeal before the competent authority and, thereafter, raised an industrial dispute in I.D.No.67 of 2004 on the file of the 2nd respondent – Labour Court under Section 2-A(2) of the Industrial Disputes Act and that the Labour Court without properly appreciating any of the contentions raised by the corporation, passed impugned award setting aside the order of removal and directing the corporation to reinstate the 1st respondent into service with continuity of

service, but without back wages. Aggrieved thereby, the Corporation filed the present writ petition.

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

28th December, 2018
Nn

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Writ Petition No.19638 of 2007
(dismissed)

28th December, 2018

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