

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 26944 of 2008

O R D E R:

The present writ petition is filed seeking to issue a writ of *Certiorari* calling for records pertaining to and connected with the Award dated 03.04.2008, passed in ID No.89 of 2006 on the file of respondent No.2, and quash the same as illegal and arbitrary.

2. It is stated that respondent No.1-workman was appointed as Conductor in petitioner-Corporation on 02.03.1987. On the allegation of misappropriation of funds, the respondent No.1-workman was placed under suspension and was issued charge sheet by framing two charges against him. During enquiry, the said charges were proved and accordingly, enquiry report was submitted by the enquiry officer and basing on the same, petitioner-Corporation issued a show cause notice followed by final orders dated 03.12.2004 removing respondent No.1 from service. Being unsuccessful in the appeal and review filed before the authorities of petitioner-corporation, respondent No.1 raised an Industrial Dispute in ID No.89 of 1006 before respondent No.2-Labour Court, wherein the Presiding Officer partly allowed

the ID by setting aside the termination order dated 03.12.2004 and directed petitioner-Corporation to reinstate respondent No.1 with continuity of service and 50% back wages and other attendant benefits. Aggrieved by the same, the present writ petition is preferred by the petitioner-corporation.

3. Heard learned Standing Counsel for petitioner-Corporation and learned counsel for respondent No.1-workman.

4. Learned Standing Counsel for petitioner-Corporation would contend that respondent No.2 without appreciating any of the contentions raised by the petitioner-corporation for the proved misconduct against respondent No.1, in a mechanical way passed the impugned Award in favour of workman and at any rate, no reasons were assigned for awarding half of the backwages and therefore, the impugned order is liable to be dismissed.

5. Learned counsel for respondent No.1-workman contended that the labour court has rightly passed order in favour of respondent No.1-workman and hence the impugned order does not warrant interference of this court.

6. Having heard the rival contentions of both the counsel, and considered the case of respondent No.1-workman sympathetically, this court is of the considered view that ends of justice would be met, if the impugned order is modified limiting the back wages to the extent of 25% instead of 50%. Rest of award passed by respondent No.2 stands unaltered.

7. With the above observations, the writ petition is disposed of.

No costs.

8. Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

04.10.2018
MjI/*

ABHINAND KUMAR SHAVILI, J

