

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 11259 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with I.D.No.97 of 2001 on the file of the 1st respondent-Labour Court and quash the award dated 21.11.2003 passed therein holding it as illegal and arbitrary.

Heard learned standing counsel for the petitioner corporation and learned counsel for the 2nd respondent.

It has been contended by the petitioner corporation that the 2nd respondent workman was appointed as Driver in the corporation. While so, a charge sheet dated 03.08.1994 was issued to him on the ground that he was absent from duty unauthorisedly. After initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had removed him from service vide orders dated 03.04.1995. Questioning the same, the 2nd respondent unsuccessfully preferred an appeal and a review and thereafter raised an industrial dispute in I.D.No.97 of 2001 on the file of the 1st respondent-Labour Court under Section 2-A(2) of the Industrial Disputes Act. The Labour Court without properly appreciating any of the contentions raised by the corporation, passed an award dated 21.11.2003 setting aside the order of removal and directing the corporation to reinstate the 2nd respondent into service with continuity of service, but without any back wages from the date

of removal till 13.02.2001 i.e., till the date of filing of claim petition and he is entitled for half back wages from 14.02.2001 to till the date of publication of the award. Further, the Labour Court imposed punishment of deferment of two annual increments with cumulative effect and reduction of seniority of the 2nd respondent by 100 places in the seniority list. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 2nd respondent has contended that the Labour Court has rightly passed the award in favour of the 2nd respondent and, therefore, no interference is called for.

This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that the Labour Court has rightly passed the award in favour of the 2nd respondent. Further, no illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the award passed by the Labour Court. 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.

Therefore, 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

30th November, 2018
cbs

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Writ Petition No.11259 of 2004
(dismissed)

30th November, 2018

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