

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 9587 of 2004

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.210 of 1999 on the file of the 2nd respondent-Labour Court, and to quash the award dated 7.11.2003 passed therein by holding it as illegal and arbitrary.
2. Heard the learned Standing Counsel for the petitioner and the learned, learned Counsel for the 1st respondent.
3. It has been contended by the petitioner corporation that the 1st respondent workman was appointed as driver in the year 1997 and while so, on the allegation that the petitioner had involved in a case of murder, the petitioner-Corporation suspended him on 16.11.1998 and thereafter, after initiating disciplinary proceedings and after conducting regular enquiry, for the proven misconduct, the disciplinary authority imposed punishment of removal on the 1st respondent vide orders dated 10.11.1999. Challenging the same, the 1st respondent raised an industrial dispute in I.D.No.210 of 1999 on the file of the 2nd respondent – Labour Court, and that the Labour Court without properly appreciating any of the contentions raised by the corporation, passed an award dated 7.11.2003 setting aside the order of removal and directing the corporation to reinstate the 1st respondent into service with full back wages, continuity of

service including notional increments and other attendant benefits. Aggrieved thereby, the present writ petition is filed.

4. Learned Counsel for the 1st respondent has contended that workman was acquitted in criminal case, against which, no appeal was filed by the prosecution and the judgment of acquittal has become final and 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. 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
Nn

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Writ Petition No.9587 of 2004
(dismissed)

30th November, 2018

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