

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITIONS No.26161 OF 2003

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.149 of 2001 on the file of the 2nd respondent and quash the award dated 1.8.2003 passed therein holding it as illegal and arbitrary.

2. Heard Sri K. Vasudeva Reddy, learned Standing Counsel for the petitioner-Corporation appearing on behalf of the petitioner and Sri J. Ravi Shankar, learned Counsel for the respondent-workman.

3. It has been contended by the petitioner-Corporation that the 1st respondent workman was working as Driver in the corporation, and while so, he was unauthorizedly absent from duties from 25.03.1999 to 27.6.1999 without prior permission or sanctioned leave from the competent authority, and his conduct was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry, for the proven misconduct, the disciplinary authority had imposed punishment of removal on the 1st respondent, and challenging the same, the 1st respondent raised an industrial dispute in I.D.No.149 of 2001 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 award dated 1.8.2003 setting aside the order of removal and directing the corporation to reinstate the 1st respondent into service with continuity of service, with full back wages and other attendant benefits. Aggrieved thereby, the present writ petition is filed.

4. Learned Counsel for the 1st respondent has contended that the Labour Court has rightly passed the award in his favour 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

12th November, 2018
Nn

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.26161 of 2003
(dismissed)

12th November, 2018

Nn

