

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 26639 of 2003

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 2000 on the file of the 1st respondent-Labour Court and quash the award dated 13.12.2002 passed therein insofar as not granting remaining 50% back wages, holding it as illegal and arbitrary.

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

It has been contended by the petitioner that he was appointed as Driver in the respondent corporation in the year 1991. While so, he was issued with a charge sheet dated 21.11.1998 on the allegation that he unauthorisedly stopped the DGT vehicle and decanted 10 ltrs. of HSD oil. After initiating disciplinary proceedings and after conducting regular enquiry, the disciplinary authority removed him from service vide orders dated 06.07.1999. Questioning the same, he filed I.D.No.97 of 2000 on the file of the 1st respondent-Labour Court. The Labour Court passed an award dated 13.12.2002 setting aside the order of removal and directing the respondent corporation to reinstate the petitioner into service with continuity of service, attendant benefits and 50% back wages. Challenging the award to the extent of not granting remaining 50% back wages, the present writ petition is filed.

Learned counsel for the petitioner has contended that the Labour Court while setting aside the orders of removal ought to have awarded remaining 50% back wages.

On the other hand, learned standing counsel for the respondent corporation has contended that the disciplinary authority has rightly imposed the punishment of removal of petitioner from service and the Labour Court has also rightly modified the punishment of removal to that of reinstatement of petitioner into service with continuity of service, attendant benefits and 50% back wages. Therefore, no interference is called for from this Court.

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 impugned award. Further, no illegality or irregularity has been pointed out in the award passed by the Labour Court, and unless and until grave irregularity is pointed out by the learned counsel for the petitioner, this Court cannot interfere with the impugned award. The writ petition is devoid of merits and the same is liable to be set aside.

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

19th December, 2018
cbs

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Writ Petition No. 26639 of 2003
(dismissed)

19th December, 2018

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