

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.23891 of 2002ORDER:

This writ petition is filed seeking a writ of certiorari, calling for the records relating to and connected with the orders passed by the Industrial Tribunal in I.T.(c) No. 33 of 1997 dated 09.11.1999 and quash or set aside the same, holding it as arbitrary, illegal, and sought for a consequential direction to reinstate the petitioner with continuity of service.

2. Heard Sri S.M.Subhan, counsel for the petitioner and Ms. V.Umadevi, Standing Counsel for the respondents.

3. It has been contended by the petitioner that the father of the petitioner, who was employed with the 1st respondent, expired on 15.12.1979, and the petitioner herein was appointed on 11.12.1980 as Carpenter Grade-I on compassionate grounds, after following the due process. While he was discharging his duties, the respondents terminated the services of the petitioner on 26.05.1981, on the ground that he was involved in a theft. The petitioner had challenged the said orders of termination by filing I.D.No. 33 of 1997 under Section 2-A(2) of the Industrial Disputes Act, and the Industrial Tribunal, vide orders dated 9th November, 1999, dismissed the I.D. preferred by the petitioner. Challenging the same, the present writ petition is filed.

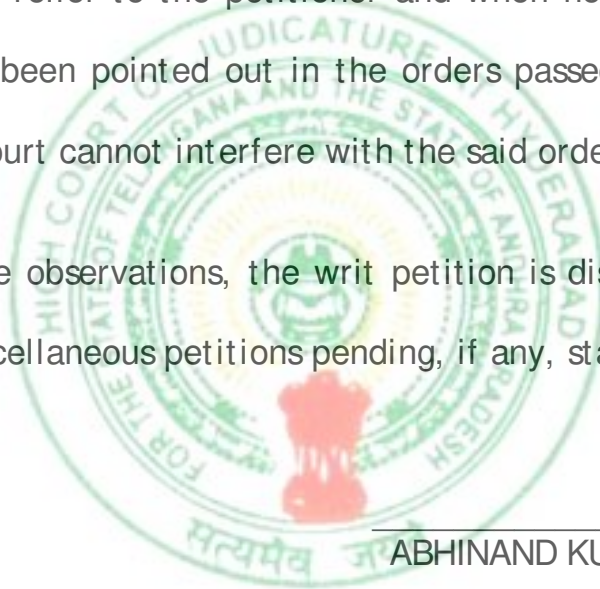
4. It has been contended by the counsel for the petitioner that the Industrial Tribunal ought to have exercised its powers under Section 11-A of the Industrial Disputes Act and granted relief in favour of the petitioner, by setting aside the orders of removal, as the punishment

imposed on the petitioner is shockingly disproportionate, but, the Industrial Tribunal had mechanically dismissed the I.D.

5. The Standing Counsel appearing for the respondents has contended that the disciplinary authority has imposed the punishment of removal for the proven charge of theft and the Tribunal has rightly dismissed the I.D. preferred by the petitioner, and there are no merits in the writ petition, and the same is liable to be dismissed.

6. This Court, having considered the rival submissions made by both parties, is of the considered view that when the Industrial Tribunal has not granted any relief to the petitioner and when no grave illegality or irregularity has been pointed out in the orders passed by the Industrial Tribunal, this Court cannot interfere with the said orders.

7. With these observations, the writ petition is dismissed. No order as to costs. Miscellaneous petitions pending, if any, stand closed.



ABHINAND KUMAR SHAVILI, J

Date: 01.11.2018
DMG