

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26022 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.22 of 2003 on the file of the 2nd respondent-Labour Court, and to quash the award dated 9.7.2003 passed therein.

2. Heard Sri A. Ravi Babu, learned Standing Counsel for the petitioner and Sri G. Ravi Mohan, learned Counsel for the 1st respondent-workman.

3. It is the case of the petitioner that the 1st respondent-workman was appointed as conductor in the petitioner-Corporation and while he was working as such, he indulged in cash and ticket irregularities. After conducting enquiry, the disciplinary authority imposed punishment of removal vide proceedings dated 21.6.2002 on the workman. Thereafter, the respondent-workman challenged the said order of removal before the Labour Court by filing I.D.No.22 of 2003 under Section 2-A (2) of the Industrial Tribunal Act. The Labour Court vide order dated 9.7.2003 allowed I.D. preferred by the workman setting aside the removal order and directing the petitioner to reinstate the workman into service with continuity

of service, but without back wages. Aggrieved by the same, the petitioner-Corporation filed this writ petition.

4. Learned Standing Counsel for the petitioner contended that the Labour Court erred in allowing the I.D. filed by the workman in spite of the fact that the charges levelled against the workman were proved in the departmental enquiry and therefore, the award passed by the Labour Court is liable to be set aside.

5. Learned Counsel for the respondent-workman contended that the Labour Court has rightly passed the award in favour of the workman by exercising the powers under Section 11-A of the Industrial Disputes Act and that unless and until some grave irregularity has been pointed out by the petitioner in the award passed by the labour Court, the Courts will not normally interfere with the award of the Labour Court, and that no illegality has been pointed out by the petitioner in the award impugned, and therefore, the writ petition is liable to be dismissed.

6. This Court having considered the rival submissions made by the parties and the material on record, is of the view that the Labour Court has rightly passed the award in favour of the respondent-workman by exercising the powers under Section 11-A of the Industrial Tribunal Act and by applying

proportionality theory. Further, no illegality or irregularity was pointed out by the learned Standing Counsel for the petitioner in the award impugned. Therefore, this Court is not inclined to interfere with the award impugned.

7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 19.09.2018.
nn.



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19/09/2018

Nn.