

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 4546 of 2004

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.71 of 2001 on the file of the 2nd respondent-Labour Court and quash the award dated 05.09.2003 passed therein holding it as illegal and arbitrary.

Heard learned standing counsel for the petitioner corporation and learned counsel for the 1st respondent.

It has been contended by the petitioner corporation that the 1st respondent workman was appointed as driver in the corporation on daily wage basis in the year 1999. While so, a charge sheet was issued to him on 18.12.1999 alleging that he caused an accident resulting in death of a pedestrian. After initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had removed him from service vide orders dated 27.06.2000. Questioning the same, the 1st respondent unsuccessfully preferred an appeal and a review and thereafter raised an industrial dispute in I.D.No.71 of 2001 on the file of the 2nd respondent-Labour Court under Section 2-A(2) of the Industrial Disputes Act. The Labour Court without properly appreciating any of the contentions raised by the corporation, passed an award dated 05.09.2003 setting aside the order of removal and directing the corporation to reinstate the 1st into service with

continuity of service and notional increments, but without back wages. Further, the Labour Court imposed punishment of deferment of two annual increments with cumulative effect. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 1st respondent has contended that the Labour Court has rightly passed the award in favour of the 1st respondent and, therefore, no interference is called for.

This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that the Labour Court has properly appreciated the evidence available on record and rightly passed the award in favour of the 1st respondent denying back wages and imposing further punishment of deferment of two annual increments with cumulative effect. Further, no illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the award passed by the Labour Court. 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.

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

21st December, 2018
cbs

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Writ Petition No.4546 of 2004
(dismissed)

21st December, 2018

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