

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 19467 of 2002

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.18 of 1998 on the file of the 1st respondent-Labour Court and quash the award dated 31.01.2001 passed therein insofar as denying continuity of service, back wages and attendant benefits to the petitioner, holding it as illegal and arbitrary.

Heard learned counsel for the petitioner and learned standing counsel for the 2nd respondent corporation.

It has been contended by the petitioner that he was appointed as Conductor in the respondent corporation in the year 1987. . While he was discharging his duties on 13.03.1997 the checking officials of the respondent corporation conducted a check and found that he had indulged in cash and ticket irregularities. His conduct was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry, the disciplinary authority removed him from service vide orders dated 16.07.1997. Questioning the same, he filed I.D.No.18 of 1998 on the file of the 1st respondent-Labour Court. Vide award dated 31.01.2001 the Labour Court set aside the orders of removal and directed reinstatement of the petitioner into service as fresh recruit. Challenging the same, 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 continuity of service, back wages and attendant benefits.

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 as fresh recruit. 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 orders 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

13th December, 2018
cbs

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Writ Petition No.19467 of 2002
(dismissed)

13th December, 2018

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