

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 15785 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.149 of 2000 on the file of the 1st respondent - Labour Court and quash the award dated 06.12.2001 passed therein, whereby the Labour Court directed reinstatement of the 2nd respondent with continuity of service and 75% of back wages, holding it as illegal and arbitrary.

Heard learned standing counsel for APSRTC appearing on behalf of the petitioner, and learned counsel for the 2nd respondent workman.

Learned standing counsel for the petitioner corporation has contended that the Labour Court failed to see that the 2nd respondent did not question the validity of the domestic enquiry held in this case, and on this ground alone, the Labour Court ought to have dismissed the I.D. He further contended that the Labour Court ought not to have granted 75% of the back wages.

On the other hand, learned counsel for the 2nd respondent has contended that the Labour Court has rightly passed the award in favour of the 2nd respondent by exercising the power under Section 11-A of the Industrial Disputes Act. Therefore, no interference is called for from this Court.

Having considered the submissions made by the learned counsel on either side and perused the record, this Court is of the considered view that the Labour Court gave specific findings and rightly passed the impugned award in favour of the 2nd respondent in exercise of its power under Section 11-A of the Industrial Disputes Act. Further, no illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the award of the Labour Court. Unless and until any grave irregularity or illegality is pointed out by the learned standing counsel for the petitioner corporation in the impugned award, this Court cannot interfere with the findings of the Labour Court. I find no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. Consequently, miscellaneous applications, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

5th October, 2018
cbs

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Writ Petition No. 15785 of 2002
(dismissed)

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