

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 24004 of 2003

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.80 of 1988 on the file of the 1st respondent-Labour Court and quash the order dated 06.11.1991 passed therein insofar as not granting back wages and attendant benefits, holding it as illegal and arbitrary.

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

It has been contended by the petitioner that he was appointed as Booking Clerk in the respondent corporation in the year 1972 and thereafter promoted as Conductor. While so, the respondent corporation issued a charge sheet dated 05.07.1985 against him on flimsy grounds. After initiating disciplinary proceedings and after conducting regular enquiry, the disciplinary authority removed him from service vide orders dated 05.07.1985. Questioning the same, he unsuccessfully preferred an appeal and, thereafter, filed I.D.No.80 of 1988 on the file of the 1st respondent-Labour Court. The Labour Court passed an award dated 06.11.1991 setting aside the order of removal and directing the respondent corporation to reinstate the petitioner into service with continuity of service, but without back wages and attendant benefits. 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 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 with continuity of service, but without back wages and attendant benefits. 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 award 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

19th December, 2018
cbs

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Writ Petition No. 24004 of 2003
(dismissed)

19th December, 2018

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