

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 11566 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.15 of 2001 on the file of the 2nd respondent-Labour Court and quash the award dated 31.12.2002 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 on daily wage basis in the corporation on 30.05.1993. While so, a charge sheet was issued to the 1st respondent on 22.06.1994 on the ground that he caused an accident. The said incident was construed as misconduct and 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 02.04.1995. Questioning the same, the 1st respondent preferred an appeal and the appellate authority passed orders directing the corporation to engage the 1st respondent as driver on daily wage basis subject to certain terms and conditions and accordingly the 1st respondent was reengaged on 25.09.1995. Thereafter, the 1st respondent filed a review petition and the same was rejected on 24.07.1995. Challenging the same, he filed I.D.No.15 of 2001 on the file of the 2nd respondent-Labour Court.

The Labour Court without properly appreciating any of the contentions raised by the corporation, passed an award dated 31.12.2001 restoring back the increments of the 1st respondent and entitling the 1st respondent for drawing arrears. 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 rightly passed the award in favour of the 1st respondent. 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

15th December, 2018
cbs

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Writ Petition No.11566 of 2003
(dismissed)

15th December, 2018

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