

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 3103 of 2003

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.148 of 2000 on the file of the 1st respondent-Labour Court and quash the award dated 20.08.2002 passed therein holding it as illegal and arbitrary.

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

It has been contended by the petitioner corporation that the 2nd respondent workman was appointed as Conductor in the corporation in the year 1988 and while discharging his duties on 02.02.1999 the checking officials of the corporation conducted a check and found that he had involved in cash and ticket irregularities. The act of the 2nd respondent was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had imposed punishment of removal from service on the 2nd respondent vide orders dated 26.07.1999. Challenging the same, the 2nd respondent unsuccessfully preferred an appeal and a review before the competent authorities and, thereafter, raised an industrial dispute in I.D.No.148 of 2000 on the file of the 1st 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 20.08.2002 setting aside the order of removal and directing the corporation to reinstate the 2nd respondent into service with continuity of service and 50% back wages. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 2nd respondent has contended that the Labour Court has rightly passed the award in favour of the 2nd 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 had rightly passed the award in favour of the 2nd 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 findings of the Labour Court. There are no merits in the writ petition and the writ petition is liable to be dismissed.

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

5th November, 2018
cbs

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Writ Petition No.3103 of 2003
(dismissed)

5th November, 2018

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