

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 11799 of 2003

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with M.P.No.23 of 1999 on the file of the 2nd respondent-Labour Court and quash the order dated 28.01.2003 passed therein holding it as illegal and arbitrary.

Heard Sri K. Harinath, learned standing counsel for petitioner and learned counsel for the 1st respondent-workman.

It has been contended by the petitioner corporation that the 1st respondent workman was engaged as Conductor on contract basis in the corporation on 04.02.1985. While he was discharging his duties on 15.07.1985 the checking officials conducted a check and found that he had indulged in cash and ticket irregularities. After initiating disciplinary proceedings and conducting a regular enquiry, the 1st respondent was removed from service vide orders dated 05.11.1985. Aggrieved thereby, the 1st respondent unsuccessfully preferred an appeal and a review and, therefore, filed I.D.No.259 of 1992 on the file of the 2nd respondent-Labour Court. Vide award dated 23.07.1994, the Labour Court modified the punishment of removal to that of reinstatement of the 1st respondent into service with continuity of service, but without back wages and attendant benefits and as a measure of punishment, it imposed punishment of deferment of one

increment for one year. Pursuant to which, the 1st respondent was reinstated into service on 30.12.1994 and his services were regularized w.e.f. 01.03.1996. Thereafter, the 1st respondent moved an application in M.P.No.23 of 1999 on the file of the 2nd respondent-Labour Court claiming a sum of Rs.94,482-80 ps as monetary benefits. The Labour Court, on an erroneous view of the matter, held that the 1st respondent is entitled for service benefits and accordingly vide orders dated 28.01.2003 allowed the said petition directing the petitioner corporation to pay an amount of Rs.94,482-80 ps to the 1st respondent. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 1st respondent has contended that the Labour Court has rightly passed the order 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 order 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 order 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 order passed by the Labour Court, this Court cannot interfere with the findings of the Labour Court. 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

5th November, 2018
cbs



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Writ Petition No. 11799 of 2003
(disposed of)

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