

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No. 15470 of 2004**

**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.147 of 2000 on the file of the 1<sup>st</sup> respondent-Labour Court and quash the award dated 24.09.2003 passed therein holding it as illegal and arbitrary.

Heard learned standing counsel for the petitioner corporation and learned counsel for the 2<sup>nd</sup> respondent.

It has been contended by the petitioner corporation that the 2<sup>nd</sup> respondent workman was appointed as Driver in the corporation in the year 1995. While so, a charge sheet was issued to the 2<sup>nd</sup> respondent on the ground that he was absent from duty unauthorisedly. The act of the 2<sup>nd</sup> respondent 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 03.09.1998. Questioning the same, the 2<sup>nd</sup> respondent unsuccessfully preferred an appeal and thereafter raised an industrial dispute in I.D.No.147 of 2000 on the file of the 1<sup>st</sup> 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 24.09.2003 setting aside the order of removal and directing the corporation to reinstate the 2<sup>nd</sup> respondent into service with continuity

of service, back wages and attendant benefits. Further, the Labour Court imposed punishment of deferment of two annual increments without cumulative effect. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 2<sup>nd</sup> respondent has contended that the Labour Court has rightly passed the award in favour of the 2<sup>nd</sup> 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 2<sup>nd</sup> 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.

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**ABHINAND KUMAR SHAVILI, J**

5<sup>th</sup> December, 2018  
cbs

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Writ Petition No.15470 of 2004  
(dismissed)

5<sup>th</sup> December, 2018

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