

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 5704 of 2010

ORDER:

1. This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.198 of 2005 on the file of the 2nd respondent-Labour Court and quash the award dated 30.04.2009 passed therein by holding it as illegal and arbitrary.

2. Heard the learned Standing Counsel for the petitioners and Sri V. Narasimha Goud, learned Counsel for the respondent-workman.

3. It has been contended by the petitioner-corporation that the 1st respondent-workman was appointed as casual conductor on daily wage basis in the year 1998. While so, he had indulged in certain cash and ticket irregularities. His conduct 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 on the 1st respondent vide orders dated 8.01.2005. Challenging the same, the 1st respondent unsuccessfully preferred an appeal and a review before the competent authorities and, thereafter, raised an industrial dispute in I.D.No.198 of 2005 on the file of the 2nd 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 30.04.2009 setting aside the order of removal and directing the corporation to reinstate the 1st respondent into service with continuity of service and 50% back wages. Aggrieved thereby, the present writ petition is filed.

4. Learned counsel for the 1st respondent has contended that the Labour Court has rightly passed the award in favour of the workman and, therefore, no interference is called for.

5. This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that when once the Labour Court had exercised the power under Section 11-A of the Industrial Disputes Act, 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.

6. 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

19th November, 2018
Nn

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Writ Petition No.5704 of 2010
(dismissed)

19th November, 2018

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