

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 3608 of 2007

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.107 of 2002 on the file of the 1st respondent-Labour Court and quash the order dated 09.11.2006 passed therein by granting continuity of service, attendant benefits and back wages to the petitioner.

2. Heard Sri G. Ravi Mohan, learned counsel for the petitioner, and learned standing counsel for TSRTC appearing on behalf of the 2nd respondent.

3. It has been contended by the petitioner that he was appointed as Badili driver in the respondent corporation on 10.11.1987. While so, owing to ill-health and domestic problems, he was absent from duty from 28.09.1989 to 24.01.1990. The respondent corporation construed the same as misconduct and the disciplinary authority, after conducting detailed enquiry, imposed on him the punishment of removal from service for the proven misconduct vide orders dated 09.10.1991. Challenging the same, he preferred an appeal and the appellate authority rejected the same. Thereafter, he filed a review and the Reviewing Authority passed an order appointing him as fresh driver. Aggrieved thereby, he referred the dispute to the Conciliation Officer. On failure of conciliation before the Conciliation Officer, the Government referred the dispute to the 1st respondent-Labour Court

under Section 10 (1) (d) of the Industrial Dispute Act, 1947 for settlement which was numbered as I.D.No.107 of 2002. The Labour Court dismissed the I.D. while confirming the orders of the reviewing authority vide orders dated 09.11.2005. Questioning the same, the present writ petition is filed.

4. Learned counsel for the petitioner has contended that the Labour Court ought to have exercised its power under Section 11-A of the Industrial Disputes Act and granted continuity of service, back wages and attendant benefits to the petitioner.

5. On the other hand, learned standing counsel for the respondent corporation has contended that the Labour Court has rightly passed orders impugned in the writ petition. Therefore, no interference is called for.

6. Having considered the submissions made by the learned counsel for the parties and perused the record, this Court is of the considered view that the Labour Court has rightly passed the impugned orders. Further, no illegality or irregularity is pointed out by the learned counsel for the petitioner in the orders of the Labour Court. Unless and until any irregularity or illegality is pointed out by the learned counsel for the petitioner, this Court cannot interfere with the orders passed by the Labour Court. I find no merits in the writ petition.

7. 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

25th September, 2018
cbs



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No. 3608 of 2007
(dismissed)

25th September, 2018

cbs