

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 15389 of 2003

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.123 of 2001 on the file of the 3rd respondent-Labour Court and quash the award dated 04.04.2002 passed therein holding it as illegal and arbitrary.

Heard learned counsel for the petitioner and learned standing counsel for the respondents 1 and 2.

It has been contended by the petitioner that he was appointed as Grinder in the respondent corporation in the year 1984 and later promoted as Assistant Cook in 1988. While so, he was issued with a charge sheet on the allegation that he prepared Tiffin and curries in the canteen recklessly and carelessly. His conduct was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry, the disciplinary authority removed him from service vide orders dated 15.03.2001. Questioning the same, he unsuccessfully preferred an appeal and thereafter filed I.D.No.123 of 2001 on the file of the 3rd respondent-Labour Court. Vide award dated 04.04.2002 the Labour Court modified the punishment of removal to that of stoppage of one annual grade increment without any cumulative effect after reinstating him into service without any back wages. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner has contended that the Labour Court while setting aside the orders of removal ought to have

awarded back wages and ought not to have imposed further punishment of deferment of annual increment without cumulative effect.

On the other hand, learned standing counsel for the respondent corporation has contended that the disciplinary authority has rightly imposed the punishment of removal of petitioner from service and the Labour Court has also rightly modified the punishment of removal to that of reinstatement of petitioner into service, but without back wages and further imposition of punishment of deferment of one annual grade increment without cumulative effect. Therefore, no interference is called for from this Court.

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 impugned award. Further, no illegality or irregularity has been pointed out in the award passed by the Labour Court, and unless and until grave irregularity is pointed out by the learned counsel for the petitioner, this Court cannot interfere with the impugned award. The writ petition is devoid of merits and the same is liable to be set aside.

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

15th December, 2018
cbs

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.15389 of 2003
(dismissed)

15th December, 2018

cbs