

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.13852 of 2004

ORDER

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.143 of 2001 on the file of the 2nd respondent and quash the Award dated 31.10.2003 passed therein holding it as illegal and arbitrary.

Heard Sri S.V.Ramana, learned Standing Counsel appearing for the petitioner-Corporation, learned Government Pleader for Labour appearing for the 2nd respondent and Smt K.Udaya Sri, learned counsel appearing on behalf of the 1st respondent.

It is the case of the petitioner-Corporation that the 1st respondent was appointed as Driver in the Corporation on 01.12.1985 and he was discharging his duties as such. While so, on 03.11.2000, he caused accident, due to which, one pedestrian died on the spot. Construing this incident as misconduct, the Corporation after initiating disciplinary proceedings and after initiating enquiry, removed him from service on 28.5.2001. Aggrieved thereby, the 1st respondent raised an industrial dispute in I.D.No.143 of 2001 on the file of the 2nd respondent-Industrial Tribunal-cum-Labour Court-, Visakhapatnam, under Section 2-A(2) of the Industrial Disputes Act. The Labour Court passed an Award on 31.10.2003 by setting aside the removal order, and directing the Corporation to reinstate the 1st respondent into service, with continuity of service, but without back wages.

Aggrieved thereby, the present writ petition is filed by the Corporation.

Learned Standing Counsel appearing for the petitioner-Corporation contends that the Labour Court ought not to have granted reinstatement of the 1st respondent-workman into service, as he drove the vehicle in a rash and negligent manner and caused the accident.

Learned counsel appearing for the 1st respondent contends that the Labour Court has rightly passed the Award 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 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 petitioner in the Award passed by the Labour Court, this Court cannot interfere with the award. There are no merits in the writ petition.

Accordingly, the writ petition is dismissed. No costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

11th December, 2018
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