

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 14036 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.183 of 2001 on the file of the 2nd respondent-Labour Court and quash the award dated 09.01.2004 passed therein holding it as illegal and arbitrary.

Heard learned standing counsel for the petitioner corporation and learned counsel for the 1st respondent.

It has been contended by the petitioner corporation that one Mr. S. Malleswara Rao was appointed as Driver in the corporation. While so, he was issued with a charge sheet on the allegation that he caused an accident resulting in death of a person and damage to the bus. After initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had removed him from service. Questioning the same, the workman unsuccessfully preferred an appeal and thereafter filed a review before the appellate Authority. The appellate authority modified the order of removal to that of reinstatement of the workman into service and reduction of basic pay by three incremental stages for one year with cumulative effect and treating the suspension period as not on duty. Challenging the same, the 1st respondent union filed I.D.No.183 of 2001 on the file of the 2nd respondent-Labour Court. The Labour Court without properly appreciating any of the contentions raised by

the corporation, passed an award dated 09.01.2004 setting aside the award of the Labour Court to the extent of imposing the punishment of reduction of basic pay by three incremental stages for a period of one year with cumulative effect besides treating the period of suspension as not on duty. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 1st respondent union has contended that the Labour Court has rightly passed the award in favour of the workman 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 workman. 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.

ABHINAND KUMAR SHAVILI, J

28th December, 2018
cbs

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Writ Petition No.14036 of 2004
(dismissed)

28th December, 2018

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