

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 19030 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.187 of 2000 on the file of the 1st respondent-Labour Court and quash the award dated 03.03.2003 passed therein holding it as illegal and arbitrary.

Heard both sides.

It has been contended by the petitioner corporation that the 2nd respondent is the wife of one D. Hussain, who is helper in the corporation. While her husband was working at Atmakur, he was absent from duty unauthorisedly and he was issued with a charge sheet dated 26.02.1999 on the ground that he was absent from duty unauthorisedly. The said act of the workman was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had removed him from service vide orders dated 07.07.1999. Questioning the same, the 2nd respondent raised an industrial dispute in I.D.No.187 of 2000 on the file of the 1st 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 03.03.2003 setting aside the order of removal and directing the corporation to treat that the deceased continued to be in service till the

date of his death and shall pay all retirement benefits and full back wages to the 2nd respondent/claimant within the period of 60 days from the date of publication of this award, failing which the claimant shall be entitled to 9% interest from the date of the claim petition till the date of realization. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 2nd respondent has contended that the Labour Court has rightly passed the award in favour of the 2nd 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 considered view that the Labour Court has rightly passed the award in favour of the 2nd respondent. 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

22nd November, 2018
cbs

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Writ Petition No.19030 of 2003
(dismissed)

22nd November, 2018

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