

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No.25371 of 2004**

**ORDER:**

This writ petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit, this Hon'ble Court may be pleased to call for the records relating to the Award in I.D.No.70/2003 dated 20-5-2004 on the file of the Labour Court, Godavarikhani and quash the same as arbitrary, illegal, by way of writ of certiorari and may pass any other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard the learned Standing Counsel for petitioner-Corporation and the learned Counsel for the 1<sup>st</sup> respondent-workman.

3. It has been contended by the petitioner-Corporation that the 1<sup>st</sup> respondent-workman was appointed as conductor in the Corporation and he was removed from service after conducting enquiry on certain allegations, vide proceedings dated 9.8.2000, and challenging the same, the 1<sup>st</sup> respondent raised an industrial dispute in I.D.No.70 of 2003 on the file of the 2<sup>nd</sup> respondent – Industrial Tribunal-cum-Labour Court, Godavarikhani, under Section 2-A(2) of the Industrial Disputes Act, and the Labour Court, without properly appreciating any of the contentions raised by the corporation, passed an award dated 20.05.2004, setting aside the order of removal and directing the corporation to reinstate the petitioner into service without back wages. The Labour Court further directed that the petitioner is entitled for continuity of service but he could not get increments and benefits during the absence period with cumulative effect. His service can be counted for increments from the date of his joining. The time from

the date of removal till the date of joining shall be treated as 'Not on Duty'.  
Aggrieved thereby, the present writ petition is filed.

4. Learned Counsel for the 1<sup>st</sup> respondent has contended that the Labour Court has rightly passed the award in favour of the 1<sup>st</sup> respondent and, therefore, no interference is called for.

5. 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 1<sup>st</sup> 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 findings of the Labour Court. There are no merits in the writ petition and the writ petition is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

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**ABHINAND KUMAR SHAVILI, J**

17th December, 2018

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