

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7890 of 2005

ORDER:

1. This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.149 of 1996 on the file of the 1st respondent-Labour Court and to quash the award dated 1.11.1999 passed therein to the extent of denial of 75% back wages.

2. Heard and perused the material available on record.

3. It has been contended by the petitioner that he was appointed as driver in the respondent-corporation in the year 1984 and that the respondent-Corporation issued charge sheet dated 18.7.1995 alleging that he caused the accident, as a result of which, lady passenger died and that the petitioner submitted his explanation, but having not satisfied with the same, the respondent-Corporation after conducting enquiry, passed orders dated 18.11.1995 removing the petitioner from service, and challenging the same, the petitioner filed I.D.No.149 of 1996 before the 1st respondent-Labour Court and the Labour Court allowed the I.D. setting aside the order of removal and directing the respondent-Corporation to reinstate the petitioner into service with continuity of service and all other attendant benefits, but with 25% of back wages only. Aggrieved by denial of 75% back wages, the present writ petition is filed.

4. Learned Counsel for the petitioner has contended that the Labour Court while setting aside the order of removal and directing reinstatement of the petitioner ought to have awarded full back wages.

5. On the other hand, the learned Standing Counsel for the respondent-Corporation has contended that the Labour Court has taken a lenient view and modified the punishment of removal to that of reinstatement of petitioner into service with continuity of service, but with 25% of back wages. Therefore, no interference is called for from this Court.

6. This Court, having considered the above submissions, 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. 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.

7. 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

19th December, 2018
Nn

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Writ Petition No.7890 of 2005
(dismissed)

19th December, 2018

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