

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 2244 of 2008

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.47 of 2004 on the file of the 2nd respondent-Labour Court and quash the award dated 19.04.2007 passed therein holding it as illegal and arbitrary.

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

It has been contended by the petitioner that he was appointed as Conductor in the respondent corporation. While he was discharging his duties on 18.06.2003 the checking officials of the respondent corporation conducted a check and found that he had indulged in cash and ticket irregularities. His conduct was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry, the disciplinary authority removed him from service vide orders dated 30.10.2003. Questioning the same, he filed I.D.No.47 of 2004 on the file of the 2nd respondent-Labour Court. The Labour Court passed an award dated 19.04.2007 setting aside the order of removal and directing the respondent corporation to reinstate him into service with continuity of service and attendant benefits, but without back wages. Challenging the same, the present writ petition is filed.

Learned standing counsel for the respondent corporation has contended that the disciplinary authority has rightly imposed the punishment of removal of petitioner from service and the Labour Court has also rightly modified the punishment of removal to that of reinstatement of petitioner into service with continuity of service and attendant benefits, but without back wages. Therefore, no interference is called for from this Court.

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 impugned award. Further, no illegality or irregularity has been pointed out in the award passed by the Labour Court, and 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.

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

8th November, 2018

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HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.2244 of 2008
(dismissed)

8th November, 2018

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