

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.20975 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.187 of 2001 on the file of the 1st respondent and quash the Award dated 29.10.2003 passed therein holding it as illegal and arbitrary.

Heard Sri P.Vinayaka Swamy, learned Standing Counsel for APSRTC appearing on behalf of the petitioner, learned Government Pleader for Labour appearing on behalf of the 1st respondent and Sri S.M.Subhan, learned counsel appearing for the 2nd respondent.

It has been contended by the petitioner-Corporation that the 2nd respondent-workman was appointed as Conductor and he was discharging his duties as such. While so, on 29.2.2000, a check was exercised by the checking officials and found that the petitioner had indulged in cash and ticket irregularities. His conduct was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had imposed punishment of removal on the 2nd respondent *vide* order dated 11.10.2000. Challenging the same, the 2nd respondent unsuccessfully preferred an appeal and a review before the competent authorities and, thereafter, raised an industrial dispute in I.D.No.187 of 2001 on the file of the 1st respondent-Labour Court under Section 2-A(2) of the Industrial Disputes Act, 1947

(for short 'the Act'). The Labour Court without properly appreciating any of the contentions raised by the Corporation, passed an Award dated 29.10.2003 setting aside the order of removal and directing the Corporation to reinstate the 2nd respondent-workman into service with continuity of service with all attendant benefits, but without any back wages till the date of filing of the claim petition i.e., 7.8.2001. 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 when once the Labour Court had exercised the power under Section 11-A of the Industrial Disputes Act, 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. No costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

