

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.33534 of 2011

ORDER:

This writ petition is filed seeking to issue a writ of Certiorari calling for the records connected with I.D.No.85 of 1997 on the file of the Industrial Tribunal-cum-Labour Court, Godavarikhani and quash the award dated 16.8.2011 passed therein.

Heard Si J.Prakhakar, learned standing counsel for the petitioner company and Si G.Praveenk Kumar, learned counsel for the 2nd respondent-workman.

It has been contended by the petitioner company that the 2nd respondent-workman was employed as temporary Tunnel Mazdoor during May, 1980 and while he was working with the petitioner company, he exhibited negligence in his duties and the petitioner company suffered loss of some material and the said conduct of the workman was construed as misconduct and the disciplinary authority had initiated disciplinary proceedings and after conducting a detailed enquiry, the workman was removed from service for the proven misconduct vide orders dated 27.8.1992. Thereafter, the workman had preferred I.D.No.85 of 1997 under Section 2.A(2) of the Industrial Disputes Act. The 1st respondent-Labour Court had set aside the orders of removal and directed reinstatement of the petitioner into service with continuity of service and 50% back wages. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner had contended that the disciplinary authority had imposed the punishment for the proven misconduct in the enquiry but the Labour Court, without appreciating the contentions raised by the petitioner company, had mechanically passed orders in favour of the workman and, therefore, the same is liable to be set aside.

Learned counsel appearing for the 2nd respondent workman had contended that in pursuance to the orders passed by the Labour Court, the workman was reinstated into service and he had attained the age of superannuation. Learned counsel for the workman further contended that no illegality or irregularity is pointed out by the petitioner company in the orders passed by the Labour Court.

This Court having considered the submissions made by the parties, is of the considered view that the Labour Court had rightly passed orders in favour of the workman. No illegality or irregularity is pointed out in the orders passed by the Labour Court and the writ petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 12/ 10/ 2018

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