

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14002 OF 2002

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.27 of 1999 on the file of the 1st respondent-Labour Court and to quash the award dated 6.2.2002 passed therein, and to grant all consequential benefits.

2. Heard Sri A.K. Jayaprakash Rao, learned Counsel for the petitioner and Sri G. Vidya Sagar, learned Counsel for the 2nd respondent.

3. It is the case of the petitioner that while the 2nd respondent-workman was working as Maintenance Assistant, he assaulted the Manager of the petitioner-Company and on the complaint made by the Manager, the petitioner-company initiated disciplinary proceedings against the workman and after conducting enquiry, the petitioner-company dismissed the workman from service with effect from 18.9.1996. Aggrieved by the same, the workman preferred I.D.No.27 of 1999 under Section 2-A (2) of the Industrial disputes Act before the Labour Court. The Labour Court vide order dated 6.2.2002 set aside the order of dismissal and directed the petitioner to reinstate the workman into service. Aggrieved by the same, the petitioner-

company filed this writ petition. On 8.8.2002, this Court issued interim direction on condition of the petitioner complying with Section 17-B of the Industrial Disputes Act.

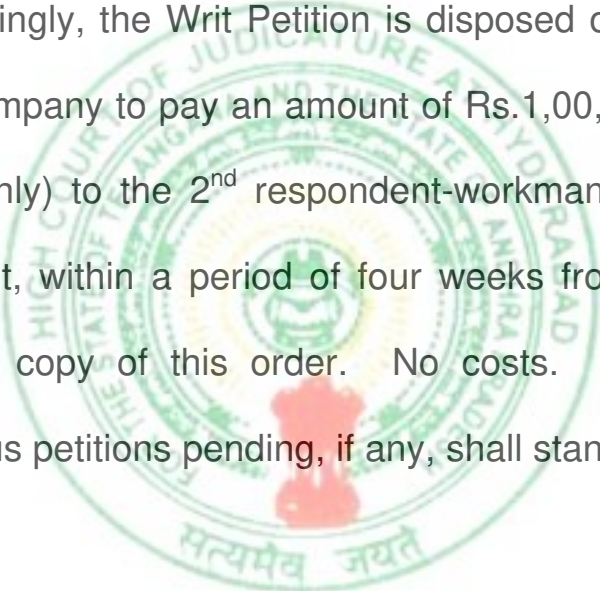
4. Learned Counsel for the petitioner contended that the petitioner has been paying wages to the workman under Section 17-B of the I.D. Act. He further contended that whenever any workman takes law into his own hands and assaults his superiors, the Labour Courts should not normally pass orders in favour of such erring workman, and that the Labour Court has erroneously interfered with the punishment and therefore, the award impugned is liable to be set aside.

5. The learned Counsel for the 2nd respondent-workman contended that the Labour Court has rightly passed the award in favour of the workman and directed the petitioner to reinstate the workman into service with continuity of service, full back wages and all other attendant benefits, and that unless and until some grave irregularity has been pointed out, the Courts cannot interfere with the award passed by the Labour Court, and the award in the present case does not warrant any interference by this Court.

6. This Court having considered the submissions made by the parties, is of the view that whenever the employer is resisting to reinstate the workman, the only course open before

the Courts is to see that appropriate compensation be paid to the workman, in whose favour the Labour Court passed the award impugned. In the instant case, since the Labour Court has directed the petitioner-company to reinstate the workman into service way back in the year 2002 and the petitioner is resisting to reinstate the workman, ends of justice would be met if an amount of Rs.1,00,000/- (Rupees One Lakh only) is paid in lieu of reinstatement of the workman.

7. Accordingly, the Writ Petition is disposed of directing the petitioner-company to pay an amount of Rs.1,00,000/- (Rupees One Lakh only) to the 2nd respondent-workman in lieu of his reinstatement, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

Dated:17th September, 2018.
Nn.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14002 OF 2002



17/09/2018

Nn.