

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 11010 of 2002

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.59 of 1996 on the file of the 2nd respondent-Labour Court and quash the award dated 04.09.2000 passed therein insofar as not granting back wages, continuity of service and attendant benefits, 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 Cleaner in the respondent corporation on 24.04.1976 and later promoted as Mechanic. While so, on the allegation that he committed theft, he was removed from service on 24.02.1995. Questioning the same, he filed I.D.No.59 of 1996 on the file of the 2nd respondent-Labour Court. Vide orders dated 04.09.2000, the Labour Court while setting aside the order of removal directed the respondent corporation to reinstate the petitioner, but denied continuity of service, back wages and attendant benefits. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner has contended that while setting aside the order of removal, the Labour Court ought to have

granted continuity of service, back wages and attendant benefits to the petitioner.

On the other hand, 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 passed the impugned award and ordered reinstatement of the petitioner into service without continuity of service, back wages and attendant benefits. 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 award impugned in the writ petition. Further, no illegality or irregularity has been pointed out in the award passed by the Labour Court, and unless and until any grave irregularity is pointed out by the learned counsel for the petitioner in the impugned award, this Court cannot interfere with the impugned award. There are no merits in the writ petition.

Therefore, 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

10th December, 2018
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Writ Petition No.11010 of 2002
(dismissed)

10th December, 2018

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