

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16131 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.191 of 1999 on the file of the 2nd respondent-Labour Court, Hyderabad, and to quash the award dated 6.3.2002 passed therein.

2. Heard Sri A. Ravi Babu, learned Standing Counsel for the petitioners and Sri V.R. Balachary, learned Counsel for the 1st respondent.

3. It is the case of the petitioners that the 1st respondent-workman was engaged as a driver in the year 1990 and while he was discharging his duties, he caused an accident. The said conduct of the respondent-workman was construed as misconduct, and after conducting a detailed enquiry, the disciplinary authority imposed the punishment of removal on 1.2.1997. Challenging the said removal order, the 1st respondent-workman filed the above I.D.No.191 of 1999 before the Labour Court under Section 2-A(2) of the I.D. Act. The Labour Court passed the award impugned directing the petitioners herein to reinstate the respondent-workman into service with continuity of service with 25% back wages from the

date of removal till the date of reinstatement. Aggrieved by the same, the petitioners filed this writ petition.

4. It has been contended by the learned Standing Counsel for the petitioners that without appreciating any of the contentions raised by the petitioners, the Labour Court has mechanically allowed the I.D. preferred by the 1st respondent-workman and that the labour Court ought not to have granted 25% back wages.

5. The learned Counsel for the 1st respondent-workman contended that the Labour Court has rightly passed the award impugned in favour of the respondent-workman and that no irregularity or illegality has been committed by the Labour Court so as to interfere with the award impugned and that there are no merits in this writ petition.

6. Having considered the rival submissions made by the parties and the award impugned, this Court is of the view that no illegality or irregularity has been committed by the Labour Court in passing the award impugned. The learned Standing Counsel for the petitioners also could not point out any illegality in the award impugned, and therefore, this Court is not inclined to interfere with the award impugned.

7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated:12th October, 2018.
Nn.



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12/10/2018

Nn.