

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 16170 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.216 of 1999 on the file of the 2nd respondent-Labour Court and quash the award dated 01.03.2002 passed therein holding it as illegal and arbitrary.

Heard learned standing counsel for the petitioner corporation and learned counsel for the 1st respondent.

It has been contended by the petitioner corporation that the 1st respondent workman was appointed as security guard in the year 1972 and subsequently promoted as Driver in the year 1977. While so, a charge sheet was issued to the 1st respondent on 16.05.1998 on the ground that he caused an accident resulting in a death of driver of a private lorry. After initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had removed him from service vide orders dated 10.03.1987. Questioning the same, the 1st respondent unsuccessfully preferred an appeal and thereafter raised an industrial dispute in I.D.No.216 of 1999 on the file of the 2nd respondent-Labour Court under Section 2-A(2) of the Industrial Disputes Act. The Labour Court without properly appreciating any of the contentions raised by the corporation, passed an award dated 01.03.2002 setting aside the order of removal and directing the corporation to reinstate the 1st

respondent into service with continuity of service, but without back wages for the period between the date of removal and date of reinstatement. However, the 1st respondent is entitled for full wages during the suspension period after deducting the subsistence allowance. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 1st respondent has contended that the Labour Court has rightly passed the award in favour of the 1st 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 the Labour Court has rightly passed the award in favour of the 1st respondent. Further, no illegality or irregularity is pointed out by the learned standing counsel for the petitioner corporation in the award passed by the Labour Court. 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. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

11th December, 2018
cbs

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Writ Petition No.16170 of 2002
(dismissed)

11th December, 2018

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