

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 10735 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.49 of 1998 on the file of the 2nd respondent-Labour Court and quash the award dated 03.10.2001 passed therein holding it as illegal and arbitrary.

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

It has been contended by the petitioner corporation that the 1st respondent workman was appointed as Conductor on daily wage basis in the corporation on 09.02.1991. While he was discharging his duties on 04.11.1997 the officials of the corporation conducted a check and found that he had indulged in cash and ticket irregularities. The act of the 1st respondent was construed as misconduct and 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 13.04.1998. Questioning the same, the 1st respondent unsuccessfully preferred an appeal and a review and thereafter raised an industrial dispute in I.D.No.49 of 1998 on the file of the 2nd respondent-Labour Court under Section 2-A(2) of the Industrial Disputes Act. Vide award dated 03.10.2001. The Labour Court without properly appreciating any of the contentions raised by the corporation, passed an award dated 03.10.2001 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. Further, the Labour Court imposed punishment of deferment of annual increment for three years with cumulative effect. 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

13th December, 2018
cbs

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Writ Petition No.10735 of 2002
(dismissed)

13th December, 2018

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