

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.11002 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.54 of 2001 on the file of the 2nd respondent-Labour Court, and to quash the award dated 12.9.2001 passed therein by holding it as arbitrary and illegal.

2. Heard Sri N. Vasudeva Reddy, learned Standing Counsel for the petitioners. None appeared for the respondent-workman.

3. It is the case of the petitioners that the respondent-workman was initially appointed as driver in the year 1983 and while he was driving the bus in the year 1994, he caused an accident. The said conduct of the petitioner was construed as misconduct. The petitioner-Corporation after conducting departmental enquiry, removed the workman from service for the proven misconduct vide order dated 23.12.2000 and thereafter, the respondent-workman has unsuccessfully preferred appeal and review and thereafter, he filed I.D.No.54 of 2001 under Section 2-A(2) of the Industrial Disputes Act. The Labour Court vide order dated 12.9.2001 set aside the order of removal and directed that the 1st respondent-workman be reinstated into service with continuity of service, however, without back wages. The Labour Court further directed that one annual increment of the petitioner shall be stopped for a period of one year

without cumulative effect. Challenging the award of the Labour Court, the petitioner-Corporation filed this writ petition.

4. Learned Standing Counsel for the petitioner-Corporation contended that the Labour Court has mechanically passed the orders in I.D. preferred by the respondent-workman, and that none of the contentions raised by the petitioners were appreciated by the Labour Court.

5. This Court having considered the said submissions is of the view that when once the Labour Court exercised its power under Section 11-A of the Industrial Disputes Act, until and unless there is some grave illegality, the Courts will not reverse the findings of the Labour Court. Apart from that, it was informed by the learned Standing Counsel for the petitioners that the workman retired from service on attaining the age of superannuation. In view of the same, this Court is not inclined to interfere with the award dated 12.9.2001 passed by the Labour Court in I.D.No.54 of 2001.

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

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 10th September, 2018.
Nn.

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10/09/2018

Nn.