HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.2650 OF 2012

ORDER:

When the matter is taken up for hearing, Standing Counsel appearing for the petitioners contended that the Labour Court ought not to have set aside the orders of removal and directed the workman be reinstated, in spite of the fact that the workman was found guilty in the enquiry, and therefore, the award dated 01.08.2011 passed by the Labour Court in I.D.No.24 of 2010 is liable to be set aside only on that ground.

Counsel appearing for the 1st respondent – workman submitted that in pursuance of the award passed by the Labour Court, the 1st respondent – workman was reinstated into service and he has retired from service on attaining the age of superannuation on 31.01.2019. It is also submitted that after reinstatement, the case of the workman was also considered for next promotion as Assistant Depot Clerk. It is further submitted that with the retirement of the workman, the cause in the writ petition does not survive and the award passed by the Labour Court has been worked out itself. Counsel for the 1st respondent also submitted that on the ground of disproportion, the Labour Court, in exercise of power under Section 11-A of the Industrial Disputes Act, has got every right to interfere with the punishment of removal, and therefore, there are no merits in the writ petition and the writ petition is liable to be dismissed.

This Court, having considered the rival submissions made by the counsel for respective parties, is of the considered view that the Labour Court has exercised its power under Section 11-A of the Industrial Disputes Act and interfered with the punishment of removal by giving a specific finding that the punishment of removal is shockingly disproportionate to the charges levelled against the workman. Further, since the 1st respondent – workman has been reinstated into service in pursuance of the award passed by the Labour Court and thereafter he has retired from service on 31.01.2019, in order to give quietus to this litigation, this Court is not inclined to interfere with the matter.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

17th September, 2019
v v