

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19194 of 2005

ORDER:

This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with I.D.No.198 of 2001 on the file of the 2nd respondent-Labour Court and quash the award dated 03.06.2004 passed therein, holding it as illegal and arbitrary.

Heard learned Counsel for the parties.

It has been contended by the petitioner-Corporation that the 1st respondent-workman was appointed as Casual Driver in the Corporation and his services were regularized on 16.11.1990. While so, a charge sheet was issued to the 1st respondent on 02.12.2000 on certain allegations. 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 15.05.2001. Questioning the same, the 1st respondent unsuccessfully preferred an appeal, and thereafter raised an industrial dispute in I.D.No.198 of 2001 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 03.06.2004 setting aside the order of removal and directing the Corporation to reinstate the 1st respondent into service with continuity of service and 25% of

backwages, but without attendant benefits. 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 rival submissions of 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 in the award passed by the Labour Court, this Court cannot interfere with the award. There are no merits in the writ petition and the same is liable to be dismissed.

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

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

22nd January 2019

ajr