

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 24417 of 2006

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.198 of 2002 on the file of the 2nd respondent and quash the award dated 04.10.2004 passed therein holding it as illegal and arbitrary.

Heard learned standing counsel for APSRTC appearing on behalf of the petitioner and learned Government Pleader for Labour appearing on behalf of the 2nd respondent.

It has been contended by the petitioner corporation that the 1st respondent workman was appointed as Driver in the corporation on 28.10.1978. While so, for attending duty on 25.12.2001 in an intoxicated condition, he was charge-sheeted. His conduct was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had imposed punishment of removal on the 1st respondent vide orders dated 28.10.1992. Challenging the same, the 1st respondent raised an industrial dispute in I.D.No.198 of 2002 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 04.10.2004 by observing as follows :-

“In the result, the petition is dismissed holding that the petitioner is not entitled for setting aside the order of removal from service issued by the respondent herein in his proceedings dated 22.06.2002 or for reinstatement into service. But the order of removal of the petitioner from service shall be treated as compulsory retirement and thereby he shall be entitled for all retiral benefits as per Rules. Award is passed accordingly.”

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 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 when once the Labour Court had exercised the power under Section 11-A of the Industrial Disputes Act, 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

Date:02-01-2019
Prv