

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.9147 of 2006

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.78 of 2002 on the file of the 1st respondent-Labour Court III and quash the award dated 30.08.2004 passed therein, holding it as illegal and arbitrary.

Heard learned Standing Counsel for the petitioner-Corporation, learned Government Pleader (Labour) for 1st respondent and Sri M.M.Shareef, learned counsel for the 2nd respondent.

It has been contended by the petitioner-Corporation that the 2nd respondent workman was appointed as Driver in the Corporation on 20.07.1979. While so, a charge sheet was issued to the 2nd respondent on 28.06.2000 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 12.01.2001. Questioning the same, the 2nd respondent raised an industrial dispute in I.D.No.78 of 2002 on the file of the 1st 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 30.08.2004 setting aside the order of removal and directing the Corporation to reinstate the 2nd respondent into service with continuity of service and 50% of backwages. Aggrieved thereby, the present writ petition is filed.

Learned counsel for the 2nd respondent has contended that the Labour Court has rightly passed the award in favour of the 2nd 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 2nd 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

1st February 2019

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