

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23069 of 2005

ORDER :

This writ petition is filed seeking to issue a Writ of Certiorari by calling for the connected records and set aside the impugned Award dated 03.02.2004 in I.D.No.114 of 2001 passed by the 2nd respondent - Labour Court, holding it as illegal and arbitrary.

Heard learned Standing Counsel for the petitioner - Corporation and Sri M.M. Ali, learned counsel for the 1st respondent - Workman.

It has been contended by the petitioner-Corporation that the 1st respondent Workman was appointed as a Conductor in the petitioner Corporation on 03.10.1977. While so, a charge sheet was issued to the 1st respondent on 10.11.2000 for Cash and Ticket irregularities and kept under suspension. 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 07.05.2001. Questioning the same, the 1st respondent unsuccessfully preferred an appeal, and thereafter raised an industrial dispute in I.D.No.114 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 03.02.2004 setting aside the order of removal and directing the Corporation to reinstate the 1st respondent into service without back wages, but with continuity of service, including notional increments and all other 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.

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

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

22.01.2019.
Msr

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