HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23254 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.3 of 2003 on the file of the 2nd respondent - Labour Court-II and quash the award dated 28.01.2005 passed therein, holding it as illegal and arbitrary.

Heard learned Standing Counsel for the petitioners-Corporation and Sri V. Narasimha Goud, learned counsel for the 1st respondent.

It has been contended by the petitioner-Corporation that the 1st respondent was working as a Driver in the Corporation. While so, a charge sheet was issued to the 1st respondent for unauthorised absence from 09.11.1994. 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 16.05.1995. Questioning the same, the 1st respondent preferred an appeal and the same was disposed of modifying the punishment of removal to that of reinstatement as afresh by fixing his pay at minimum grade of Driver. Having dissatisfied with the same, the 1st respondent raised an industrial dispute in I.D.No.3 of 2003 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 28.01.2005 setting aside the order of removal and directing the Corporation to reinstate the 1st respondent into service with continuity of service and all other attendant benefits. The Corporation was further directed to pay 50% of back wages for the break period, 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.

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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