

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14359 of 2003

ORDER:

When the matter is taken up for hearing, learned counsel for the petitioner submits that the petitioner was reinstated into service pursuant to the orders passed by the Labour Court in LCID.No.1 of 2001, dated 29.10.2001, and the petitioner has filed the present writ petition seeking backwages and continuity of service.

Standing Counsel appearing for the respondent had submitted that the Labour Court had interfered with the punishment of dismissal by exercising its power under Section 11-A of the Industrial Disputes Act, 1947 and it was very much conscious that it has denied backwages and continuity of service, therefore, there are no merits in the writ petition and the writ petition is liable to be dismissed.

This Court, having considered the rival submissions of learned counsel for the parties, is of the considered view that the Labour Court has rightly passed the impugned orders dated 29.10.2001 in LCID.No.1 of 2001 and it had interfered with the punishment of dismissal only on proportionality ground, and in respect of other aspects i.e., conduct of enquiry and proving of charges, the same were upheld. Therefore, this Court is not inclined to interfere in the matter and there are no merits in the writ petition.

The writ petition is accordingly dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J