

(2002) 01 AHC CK 0030
In the Allahabad High Court
Case No : C.M.W.P. No. 30957 of 1998

Mahak Singh

APPELLANT

Vs

Presiding Officer, Labour Court and Others

RESPONDENT

Date of Decision : 30-01-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 2 AWC 1102 : (2002) 93 FLR 374 : (2002) 2 UPLBEC 1431

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Advocate : Siddharth and Vijay Kumar Barman, for the Appellant; S.C. and Samir Sharma, for the Respondent

Final Decision : Dismissed

Judgement

Anjani Kumar, J.—By means of this writ petition under Article 226 of the Constitution of India, the petitioner has challenged the award of the labour court I, Meerut in adjudication case No. 205 "of 1993 dated 5.9.1997, Annexure-5 to the writ petition.

2. The facts leading to the filing of present writ petition are that the State Government vide its order dated 14.12.1993 have referred the following dispute for adjudication before the labour court.

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3. After affording opportunity to the respective parties, i.e.. employer and workman concerned, the labour court has arrived at the conclusion that the charges levelled against the workman are not proved and he has been punished in excessive as compared to the charges. The labour court further found that the ends of justice will meet if the employee punished with that no wages to be paid during the period of suspension except what has already been paid as

subsistence allowance and further that no back wages till the date of award. In this view of the matter, the labour court has directed the reinstatement without back wages except what has already been paid as subsistence allowance. It is this part of the award, which is being challenged by the petitioner workman by means of this writ petition.

4. I have heard Sri Siddharth, learned counsel appearing on behalf of the petitioner in support of this writ petition and Sri Sameer Sharma, learned counsel representing the contesting respondents. The argument advanced by Sri Siddharth is that since the labour court once comes to the conclusion that the charges levelled against the workman were not found proved and that he has been punished in excessive as compared to the charges, the labour court has erred in holding that the petitioner is not entitled for the back wages till the date of award. Sri Siddharth further submitted that in view of the discussion under the award, the aforesaid finding denying the workman's wages before the date of award is perverse.

5. I have considered the argument advanced by Sri Siddharth, but I am unable to agree with him. This is settled that even if two views are possible and one of them has been taken by the authority then same cannot be a ground for interference under Article 226 of the Constitution of India. Apart from above, the Division Bench of this Court has held that this Court in exercise of powers under Article 226 of the Constitution will not interfere so far as the quantum of punishment is concerned. In this view of the matter, the award of the labour court does not require any interference or interpretation.

6. In view of what has been stated above, this writ petition deserves to be dismissed and is hereby dismissed. The interim order, if any, stands vacated. However, parties shall bear their own costs.