

HON'BLE MRS JUSTICE ANIS

WRIT PETITION No. 20947 of 2003

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India for quashing the award passed in I.D.No. 224 of 2000 dated 15.5.2003 on the file of Industrial Tribunal –cum- Labour Court, Ananthapur District.

2. Brief facts of the case are that on 19.07.2000 the second respondent passed an order of removal removing the petitioner from service. The petitioner contended that he was appointed as Junior Accountant and posted at Agro Chemicals Unit at Kurnool vide proceedings dated 3.10.1982. The said post of Junior Accountant was redesignated as Senior Accountant vide proceedings dated 20.02.1985 as a matter of policy decision. It is stated that during the internal audit conducted in the month of October 1997, it has come to light that the first respondent has failed to discharge his duties and was found to be responsible for improper maintenance of certain accounts/records connected with procurement/sales of fertilizers, pesticides etc, which resulted in the Corporation suffering certain financial losses. The first respondent was also found to be responsible for certain irregularities in discharging his

duties. Having regard to the gravity of the irregularities, omissions and commissions, the firsts respondent was placed under suspension vide proceedings dated 20.10.1997. Domestic Enquiry was ordered against the first respondent along with five other employees duly authorizing the enquiry officer to frame the charges and accordingly, a charge memo dated 1.1.1998 was issued to the first respondent by the Enquiry Officer. The Enquiry Officer submitted his report holding all the three charges framed against the first respondent are proved. The vice Chairman and Managing Director, the competent authority, after careful examination of the enquiry report together with all the connected records found that the first respondent being incharge of a very important seat dealing with recording of various kinds of sales transactions and preparation of various periodical reports/returns for appropriate follow up action by the Management and he failed to work in close association with marketing staff and further he did not maintain records and he did not receive the required information which clearly shows the negligence of official duties. A copy of the enquiry report and show cause notice was served on the first respondent on 6.5.1989 and the first respondent has submitted his explanation to the show cause notice. After receipt of the explanation, the Vice Chairman & Managing Director of the Corporation dismissed the first respondent from service of the

corporation with forfeiture of gratuity vide order dated 9.9.1999. Aggrieved by the same, the first respondent preferred an appeal to the Board and the Board has modified the punishment of dismissal from service to that of 'removal from service' vide order dated 19.7.2000. Challenging the order dated 19.7.2000 the first respondent herein filed I.D.No. 224 of 2000 before the second respondent under Section 2-A read with Section 11-A of I.D. Act. The second respondent-Industrial Tribunal –cum- Labour Court by its award dated 15.5.2003 allowed the I.D declaring the order of removal as illegal and set aside the same the petitioner-Corporation was directed to reinstate the first respondent into service with continuity of service, consequential benefits but with half backwages. Aggrieved by the same, the Corporation filed the present Writ Petition.

3. Learned counsel appearing for petitioner submitted that during the pendency of the Writ Petition, the first respondent was retired from service and no orders are required to be passed in this Writ Petition in connection with the award dated 15.5.2003 passed in I.D.No. 224 of 2000.

4. Learned counsel appearing for first respondent also contended that the first respondent was retired from service as such the question of quashing I.D.No. 224 of 2000 does not arise and prayed this Court for dismissal of Writ Petition.

5. Having regard to the submissions made by the learned counsel appearing for both the parties, the point which is to be decided in this Writ Petition is as follows:

1. Whether the petitioner is entitled for the relief as sought?

6. **P O I N T**: From the perusal of the record it shows that the first respondent was dismissed from service after conducting due domestic enquiry by the Corporation and he filed I.D.No. 224 of 2000 before the Industrial Tribunal –cum- Labour Court, Anantapur and it in turn allowed the I.D on 15.5.2003 and issued orders reinstating the first respondent into service with continuity of service and other consequential benefits but without backwages.

7. As seen from the record, during the pendency of the Writ Petition, the petitioner was retired from service therefore, the counsel appearing for both sides submitted that no orders are required to be passed in this Writ Petition. Recording the submission made by both the counsel, the Writ Petition is closed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

ANIS, J

Date: 31.03.2016.

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