

**HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO**

**Writ Petition No. 7525 of 2010**

**Order:**

The petitioner was appointed as a Conductor in the respondent-Corporation on 01.08.1997. While he was performing his duties on 03.02.2002 on route 107/V, a check was exercised. Basing on the same, a charge sheet was issued on 20.01.2002 and the petitioner submitted his explanation. Since there was denial of the charge by the petitioner, an Enquiry Officer was appointed. The petitioner submitted a representation on 30.02.2002 to the Enquiry Officer requesting him to furnish documents. In spite of the same, no documents were furnished. In the absence of documents, the petitioner did not attend the enquiry. An *ex parte* enquiry was conducted and a report was submitted holding that the charge against the petitioner was proved. The services of the petitioner were terminated by proceedings dated 30.07.2003 after issuing a show cause notice. The appeal preferred by the petitioner was rejected on 20.05.2004. The review to the Regional Manager also failed as it was rejected by proceedings dated 16.03.2005. In those circumstances, the petitioner filed ID No.153 of 2005 and the said ID was also dismissed by passing an award on 31.08.2005 confirming the order of termination. Challenging the said award of the Labour Court, the present Writ Petition was filed.

2. When the matter was taken up for consideration, it was suggested to the parties for settlement of the case and, at the intervention of the Court, the parties have agreed and filed a memo to the following effect.

“It is submitted that at the time of arguments in the above case on 24.02.2016 both the parties in the above WP are come to a conclusion hence this memo is being filed. As per the conclusion the petitioner is ready to accept fresh reinstatement and continuity of service for the purpose of all the retrial benefits. Such reinstatement shall be subject to medical examination/fitness.

Hence, it is prayed to direct the respondent-Corporation for reinstatement of the petitioner as fresh Conductor and also direct to allow the continuity of serviced to the petitioner for getting retrial benefits with proper fixation.”

3. In view of the settlement arrived at by the parties, the respondent-Corporation is directed to reinstate the petitioner as a fresh Conductor subject to his being found medically fit and the respondent-Corporation is further directed to allow the continuity of service to the petitioner for getting retrial benefits.

4. The Writ Petition is, accordingly, disposed of. However, in the circumstances, no costs.

5. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.  
Date: 02.03.2016  
Nsr

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**RAMALINGESWARA RAO, J.**