

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.4615 of 2009

ORDER :

Heard learned counsel for the petitioners and none appeared for the 1st respondent in spite of service of notice.

2. The 1st respondent was appointed as driver on 23.05.1996 on the basis of a driving licence issued by the Regional Transport Authority, Tumkur, in the year 1986. On verification, the same was found not to be genuine. Accordingly, his services were terminated on 24.06.1997. Challenging the termination, the 1st respondent raised I.D.No.323 of 2004 before the Labour Court, Anantapur. The Labour Court, by its award, dated 31.08.2006, set aside the order of the termination, dated 24.06.1997, and ordered reinstatement of the 1st respondent into service with continuity of service, but without attendant benefits and back-wages. Challenging the same, the present writ petition is filed by the Corporation.

3. Learned counsel for the petitioners submits that the 1st respondent was appointed on the basis of driving licence allegedly issued by Regional Transport Authority, Tumkur, State of Karnataka, and when the same was found not to be genuine, the order of removal should be upheld.

4. It is true that the 1st respondent procured employment on the basis of driving licence alleged to have been issued by Regional Transport Authority, Tumkur, in the year 1996 and it was found not to

be genuine. However, the Regional Manager asked the 1st respondent to produce a fresh driving licence to consider his case for reinstatement and though the 1st respondent produced the same, his case was not considered. On the basis of driving licence, dated 06.07.1996, the Regional Manager, Kadapa, renewed the driving licence of the 1st respondent and in those circumstances, the Labour Court passed the award setting aside the termination of service of the 1st respondent. So far as setting aside of the termination of service of the 1st respondent is concerned, the 1st respondent's services should not have been dispensed with, as Regional Manager himself gave an opportunity to the 1st respondent to produce a fresh driving licence. The driving licence obtained by the 1st respondent was dated 06.07.1996 and in view of the same, the 1st respondent should have been treated as a fresh driver with effect from that date. The 1st respondent raised I.D. after six years and he was rightly denied back-wages and attendant benefits. In view of the same, the award of the Labour Court is modified by directing the petitioners to treat the services of the 1st respondent as fresh driver from 06.07.1996 instead of 31.08.2006 and he is entitled for continuity of service only, but without any attendant benefits and back-wages, as it is stated that he was reinstated pursuant to the award passed by the Labour Court on 31.08.2006.

5. Accordingly, the writ petition is allowed in part.

6. Miscellaneous Petitions pending, if any, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO, J

28th June 2017.

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