

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.20592 OF 2001

ORDER

Heard Sri Bujji Babu Davuluri, learned counsel appearing for the petitioner and Sri P.Durga Prasad, learned Standing Counsel appearing for the respondent-Corporation.

This writ petition is filed seeking to issue a writ of Mandamus directing the respondent-Corporation to continue the petitioner in service along with back wages and other benefits.

It is the case of the petitioner that he was appointed as a Conductor in the respondent-Corporation on 21.09.1974; while working as such, a check was exercised by the checking officials, and certain irregularities were noticed; that the respondent-Corporation construed the said act as mis-conduct, initiated departmental enquiry; that after conducting detailed departmental enquiry, has imposed a punishment of removal from service *vide* order dated 9.10.1997. Challenging the same, the petitioner filed I.D.No.17 of 1998 before the Industrial Tribunal-cum-Labour Court, which, by its order dated 1.6.2000 has set aside the order of removal and directed the respondent-Corporation to reinstate the petitioner into service without back wages and

continuity of service. In pursuance thereof, the Tribunal has reinstated the petitioner into service, and the present writ petition is filed challenging the award only to the limited extent of back wages and continuity of service.

Learned counsel appearing for the petitioner submits that the writ petition be allowed and the petitioner be granted back wages and continuity of service.

On the other hand, learned Standing Counsel appearing for the respondent-Corporation contends that the Tribunal has rightly denied the back wages and continuity of service as the Tribunal had held that the findings of the Enquiry Officer are valid, and only on account of proportionalities, the Tribunal modified the removal order to that of reinstatement without back wages and continuity of service and he prays that the writ petition is liable to be dismissed.

I have heard the rival submissions made by the learned counsel on either side.

The Tribunal has rightly denied the back wages and continuity of service while upholding the findings of Enquiry Officer on the charges levelled against the petitioner. In view of the same, I do not find any reason to interfere with the findings recorded by the Tribunal. The writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

13th December, 2017
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