

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.21671 OF 2000

ORDER

Heard Sri P.Sudheer Rao, learned counsel appearing for the petitioner and Sri S.V.Ramana, learned Standing Counsel appearing for the respondent-Corporation.

This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with I.D.No.394 of 1995, dated 11.11.1998 on the file of the 1st respondent, and the consequential order of the 3rd respondent dated 25.2.1999 and to quash the same.

The petitioner was employed as Conductor in the respondent-Corporation. While working as such, he was removed from service consequent upon the disciplinary proceedings said to have been initiated against him. Challenging the said order, the petitioner preferred the said ID before the Industrial Tribunal-cum-Labour Court-1st respondent.

While disposing of the said I.D, the 1st respondent on one hand upheld the order of removal, but on the other, directed the respondent-Management to explore the possibility of inducting the petitioner afresh, so that he would start life afresh with a clean slate.

There is no clarity in the Award passed by the 1st respondent as to whether the petitioner should be inducted afresh or the removal order was upheld. In view of the same, this Court is of the view that it is fit case to remit the matter to the 1st respondent.

Accordingly, the order dated 11.11.1998 passed by the 1st respondent in I.D.No.394 of 1995 and the consequential order of the 3rd respondent dated 25.2.1999 are set aside. The matter is remanded to the 1st respondent to pass orders afresh in I.D.No.394 of 1995 after affording an opportunity to both the parties, within a period of six months from today, considering the fact that the writ petition is pending since 17 years.

With the above observations, the Writ Petition is disposed of. No costs. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

5th December, 2017
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