

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 36952 of 2017

Order:

The petitioner was appointed as a Driver in the respondent-Corporation in the year 1984. While he was working as Driver, due to his ill-health, he could not attend to his duties in the year 1992 and after recovery from the ill-health when he reported for duty he was not taken into service. Though he submitted several representations, when there was no response, he filed W.P.No.3555 of 2010 and the same was disposed of on 18.02.2010 directing the respondents to consider the representation of the petitioner dated 18.09.1998 and pass appropriate orders. When no orders were passed, the petitioner filed I.D.No.7 of 2015 before the first respondent and now the first respondent passed an award on 16.03.2017 dismissing the I.D. Challenging the same, the present Writ Petition is filed.

A perusal of the award passed by the Labour Court discloses that the petitioner was appointed as a Driver on 19.12.1984 and he was sick for six months in the year 1992. It is the case of the respondents that the petitioner applied leave for one month and thereafter he absconded from duty and a cheque was issued on 10.03.2006 for an amount of Rs.93,216/- towards full and final settlement of the terminal benefits and after receiving the same he submitted his representation on 08.06.2009. Without disclosing the said fact, he filed the Writ Petition seeking a direction to consider the representations dated 18.09.1998 and 08.06.2009. He filed another representation in the year 2014. The Labour Court noticed that at the first instance he submitted a representation after eight years and after receiving terminal benefits after 11 years he filed a Writ Petition. After four years of disposal of the Writ

Petition, the petitioner submitted another representation. The Labour Court observed that the petitioner has to file claim before the Labour Court within three years from the date of cause of action and even considering the order of this Court in W.P.No.3555 of 2010 dated 18.02.2010 the petitioner has not filed the claim within three years. The Labour Court opined that the facts of the case clearly showed that the petitioner is not interested in the job. Ultimately, the Labour Court came to the conclusion that the manner and mode of not attending the duty by the petitioner shows that he is abandoned to attend the duty and the claim of the petitioner is barred by limitation and since he received the benefits towards full and final settlement he is estopped to claim reinstatement.

In view of the facts culled out in the award of the Labour Court, this Court sees no reason to entertain the present Writ Petition. Accordingly, the Writ Petition is dismissed at the admission stage. There shall be no order as to costs.

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

A. RAMALINGESWARA RAO, J

Date: 03.11.2017
Nsr

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