

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.3800 OF 2002

ORDER

Heard Sri A.K.Jayaprakash Rao, learned counsel appearing for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel appearing for the 2nd respondent-Corporation.

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with award in I.D.No.13 of 1998, dated 17.05.2001 passed by the Labour Court-II, Hyderabad, and to set the same only to the extent of denying back wages, continuity of service for the purpose of seniority and other attendant benefits.

It is the case of the petitioner that he was appointed as a Conductor in the respondent-Corporation in May,1976; that while conducting the bus on 26.12.1980, a check was exercised by the checking officials and certain cash and ticket irregularities were noticed; that the said act of the petitioner was construed as mis-conduct by the respondent-Corporation; that disciplinary proceedings were initiated against the petitioner and he was removed

from service *vide* order dated 15.07.1981. Challenging the same, the petitioner had preferred I.D.No.13 of 1998 with a delay of 17 years, before the Labour Court-II, Hyderabad, which after appreciating the entire evidence on record, had passed an Award on 17.5.2001 by setting aside the removal order dated 15.7.1981 and directing the respondent-Corporation to reinstate the petitioner into service with continuity of service, but without back wages and attendant benefits while directing that period from the date of removal to the date of reinstatement should not be counted for any other purpose except for payment of gratuity.

Learned counsel appearing for the petitioner submits that since the petitioner was not employed from 1981 to 2001, the Labour Court ought to have passed an Award by duly granting back wages with continuity of service for all purposes including pension. He further submits that the Award of the Labour Court be modified to the extent of denying back wages, continuity of service for the purpose of pensionary benefits.

Learned Standing Counsel appearing for the respondent-Corporation contends that the Labour Court

had rightly passed the Award by setting aside the removal order and ordering reinstatement without back wages because the petitioner has approached the Labour Court with a delay of 17 years.

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

In my considered view, as there is a delay of 17 years in approaching the Labour Court, it had rightly denied the back wages to the petitioner. Since there is inordinate delay of 17 years, the Labour Court has rightly granted continuity of service only for the purpose of payment of gratuity.

In view of the same, I do not find any merits in this case and the writ petition 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

19th December, 2017
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