

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**WRIT PETITION No. 17482 OF 2003****ORDER :**

Heard Sri A.K.Jayaprakash Rao, learned counsel for the petitioner and the learned Standing Counsel for the respondents-corporation.

It has been contended by the petitioner that he was joined as Cleaner in the respondents-Corporation in the year 1979 and thereafter, he was promoted as Helper in the year 1990. While he was working under the control of Depot Manager, Gadwal, he was removed from service on the allegation that he failed to attend duties from 22.10.2010 to 31.10.2000. A charge sheet was issued to him on 1.11.2000, for which he submitted his explanation, but the disciplinary authority has imposed a major punishment of removal from service, vide orders dated 17.05.2001. Thereafter, the petitioner has unsuccessfully preferred an appeal, and filed I.D.No.766 of 1993 under Section 2-A(2) of the Industrial Disputes Act, and the Industrial Tribunal was pleased to set aside the order of removal, by Award dated 18.11.1997; however, while granting reinstatement into service the Industrial Tribunal directed without back wages and without continuity of service and without any sort of financial benefits.

The counsel for the petitioner has contended that the Industrial Tribunal ought to have granted at least continuity of service, without any monetary benefits.

The Standing Counsel appearing for the respondents contends that the Industrial Tribunal has rightly passed orders and no illegality or irregularity has been pointed out by the petitioner, so as to interfere with the orders passed by the Tribunal, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the submissions made by the parties, is of the considered view that the Industrial Tribunal ought to have granted continuity of service to the petitioner, without any monetary benefits. This Court feels, ends of justice would be met, if the petitioner is granted continuity of service without any monetary benefits.

Accordingly, the writ petition is disposed of, modifying the Award passed by the Industrial Tribunal, granting the petitioner continuity of service without any monetary benefits. The rest of the Award passed by the Industrial Tribunal is confirmed. There shall be no order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

20th November, 2018

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