

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.21367 of 2005

ORDER :

This writ petition is filed seeking a writ of certiorari calling for the records relating to the orders in I.D.No.42 of 2003, dated 16.12.2003 passed by the Industrial Tribunal-cum-Labour Court, Godavarikhani and quash the same and consequently, direct the respondent to reinstate the petitioner into service with continuity of service with back wages.

2. Heard Sri G.Alla Baksh, learned counsel for the petitioner and Sri A.Ravi Babu, Standing Counsel for the respondent-Corporation.

3. It has been contended by the petitioner that he was initially appointed as daily wage Conductor on 01.06.1985. While he was discharging his duties, on 25.5.1999 he was arrested based on a false criminal complaint. However, he failed to inform the respondent-Corporation about his arrest and pendency of the criminal case. The respondent-Corporation has construed the same as misconduct and initiated disciplinary proceedings and after conducting a detailed enquiry, the disciplinary authority, for the proven misconduct in the enquiry, has imposed a penalty of removal from service on 15.02.2000. Challenging the same, the petitioner has preferred I.D.No.42 of 2003 on the file of Chairman, Industrial Tribunal-cum-Labour Court, Godavarikhani under Section 2-A(2) of the Industrial Disputes Act, 1947. The Tribunal vide orders dated 16.12.2003 declined to grant any relief to the petitioner. Challenging the same, the present writ petition is filed.

4. When the matter is taken up for hearing today, the counsel appearing for the petitioner submitted that during the pendency of the writ petition, the petitioner has expired and his legal representatives came on record. He seeks indulgence of this Court to grant the terminal benefits of the deceased-petitioner for the service rendered by him from 01.06.1985 till the date of his removal i.e. 15.02.2000.

5. The learned Standing Counsel appearing for the respondent-Corporation contends that as per the regulations of the respondent-Corporation, the terminal benefits will be paid to the petitioner for the service rendered prior to his removal.

6. This Court having considered the rival submissions made by the parties, is of the considered view that this writ petition can be disposed of directing the respondent-Corporation to pay the terminal benefits to the legal heirs of the deceased-petitioner for the service rendered by him prior to the removal, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above observations, the Writ Petition is disposed of. No costs.

Consequently, Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

05th SEPTEMBER, 2018
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