

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVIL

WRIT PETITION No.13108 of 2006

ORDER:

This writ petition is filed seeking the following relief:

“To issue Writ order or direction more particularly one in the nature of Writ of certiorari and after calling for the records in I.D.No.77 of 2002 dt.3.2.2005 on the file of the Hon'ble 1st respondent in so far as denying continuity of service, backwages and attendant benefits to the petitioner as is illegal, arbitrary and unjust, consequently quash the award in I.D.No.77/2002 dt.3.2.2005 by granting continuity of service, backwages and attendant benefits to the petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper under the circumstances of the case.”

It has been contended by the petitioner that he was initially appointed as conductor in the year 1989 in the respondent Corporation. While he was discharging his duties on 24.6.2005, the checking officials of the respondent corporation had conducted a check and found that the petitioner had indulged in cash and ticket irregularities and the said act of the petitioner was construed as misconduct and after conducting a regular departmental enquiry, the disciplinary authority had imposed punishment of removal from service on the petitioner for the proven misconduct vide proceedings dated 12.4.2002. The appeal submitted by the petitioner to the appellate authority was also rejected. Aggrieved by the same, the petitioner had preferred I.D.No.77 of 2002 on the

file of the 1st respondent-Industrial Tribunal-cum-Labour Court, Warangal. The 1st respondent Tribunal, vide orders dated 3.2.2005 had set aside the order of removal and directed that the petitioner be reinstated into service as a fresh conductor without any backwages and continuity of service. Challenging the same, the present writ petition is filed.

It is contended by the learned counsel for the petitioner that when once the 1st respondent Tribunal had interfered with the punishment of removal, it ought to have granted continuity of service for the purpose of terminal benefits.

Learned standing counsel appearing for the respondent Corporation had contended that the disciplinary authority had rightly imposed the punishment of removal against the petitioner for the proven misconduct in the enquiry and the 1st respondent Tribunal had rightly passed order directing reinstatement of the petitioner into service afresh, however, without any back wages and continuity of service and no illegality is committed by the respondents and hence, the writ petition is liable to be dismissed.

This Court having considered the submissions made by both the parties is of the considered view that the 1st respondent Tribunal ought to have granted continuity of service for the purpose of terminal benefits without any monetary benefits.

Accordingly, the Writ Petition is disposed of directing the respondent corporation to extend continuity of service to the petitioner only for the purpose of terminal benefits without any monetary benefits. The rest of the award is confirmed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 17/09/2018
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