

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.21533 OF 2002

ORDER:

This writ petition is filed seeking the following relief:

“...to issue an order, direction or writ more particularly one in the nature of Writ of Certiorari and after calling for the records in I.D.No.101 of 1998, and quash the Award dt.25.6.2001 in so far as not granting continuity of service, back wages and attendant benefits as wholly illegal, arbitrary and unjust.”

Heard Sri A.K.Jayaprakash Rao, learned counsel appearing for the petitioner, learned Government Pleader for Labour appearing for the 1st respondent and learned standing counsel for the respondents 2 to 4.

Learned counsel appearing for the petitioner contends that while setting aside the order of removal, the Labour Court ought to have granted continuity of service for the purpose of terminal benefits without monetary benefits, but it denied the consequential reliefs; and that pursuant to the order of the Labour Court, the petitioner was reinstated into service and he had retired from service on attaining the age of superannuation.

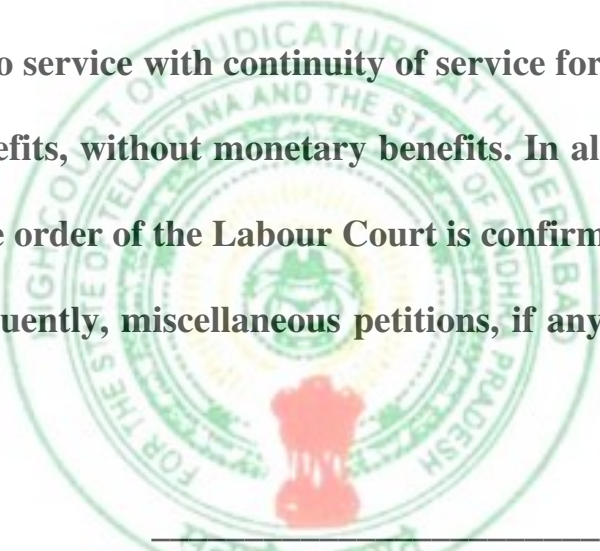
Learned Standing Counsel appearing for the respondent-Corporation contends that the Labour Court has rightly passed

the impugned order and no interference is called for from this Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the Labour Court ought to have granted continuity of service at least for the purpose of terminal benefits, without monetary benefits.

Accordingly, the Writ Petition is disposed of directing the respondent-Corporation to treat the reinstatement of the petitioner into service with continuity of service for the purpose of terminal benefits, without monetary benefits. In all other aspects, the rest of the order of the Labour Court is confirmed. No costs.

Consequently, miscellaneous petitions, if any, pending shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

6th November, 2018
cbs

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



W.P.No.21533 OF 2002
(disposed of)

6th November, 2018

cbs