

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16732 OF 2003

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with the award dated 21.4.2003 in I.D.No.127 of 2001 on the file of the 1st respondent and to quash the same by holding it as arbitrary and illegal, and to grant reinstatement with continuity of service, attendant benefits and back wages to the petitioner.

2. Heard Sri G. Ravi Mohan, learned Counsel for the petitioner and learned Standing Counsel for the 2nd respondent-Corporation.

3. It has been submitted by the learned Counsel for the petitioner that he was appointed as a conductor in the year 1985 and while he was conducting the bus on 23.10.1999, a team of checking officials conducted a check and found that the petitioner has indulged in cash and ticket irregularities, and the 2nd respondent -Corporation issued charge sheet on 3.11.1999, for which, the petitioner gave his explanation, and being not satisfied with the same, a detailed enquiry was conducted, and the petitioner was removed for the proven misconduct in the departmental enquiry,

vide proceedings dated 2.2.2000. Further, it has been submitted that aggrieved by the removal order, the petitioner preferred appeal and revision before the appellate and revisional authorities, the appellate and revisional authorities rejected the appeal and revision vide orders dated 8.5.2000 and 26.2.2001 and challenging the same, the petitioner preferred I.D.No.127 of 2001 before the 1st respondent-Labour Court under Section 2-A(2) of the Industrial Disputes Act and the said I.D. was dismissed. Hence, the petitioner filed this writ petition.

4. Learned Counsel for the petitioner as well as learned Standing Counsel for the 2nd respondent submits that similar issue arose in WP.No.19950 of 2003 and this Court vide orders dated 3.8.2018 disposed of the said writ petition setting aside the order of removal of the petitioner therein and modifying the award of the Labour Court to the effect that the petitioner be reinstated into service as a fresh entrant without any back wages, continuity of service and other attendant benefits.

6. Accordingly, this Writ Petition is disposed of setting aside the order of removal of the petitioner dated 2.2.2000 and modifying the award of the Labour Court to the effect that petitioner be reinstated into service as a fresh entrant without any back wages, continuity of

service and other attendant benefits. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 06/11/2018

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