

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.19139 OF 2004

ORDER

This Writ Petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with I.D.No.125 of 1998, dated 05.11.2003, passed by the 1st respondent-Labour Court, Guntur, and quash or set aside the same by holding it as arbitrary and illegal, and consequently to grant all service benefits to the petitioner.

Heard Sri A.K.Jaya Prakash Rao, learned counsel appearing for the petitioner, learned Government Pleader appearing for the 1st respondent and Sri K.Satyanarayana Murthy, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that initially, he was appointed as Driver on 14.09.1973 and while working as such, he caused an accident on 31.06.1995. His conduct was construed as a misconduct and the respondent-Corporation had issued a charge sheet on 19.04.1996. After conducting regular departmental enquiry, the petitioner was removed from service *vide* proceedings dated 29.04.1996. Challenging the said proceedings, he filed I.D.No.125 of 1998 before the Labour Court, Guntur, under Section 2-A (2) of the Industrial

Disputes Act, 1947 (for short 'the Act'). The Labour Court *vide* order dated 05.11.2003 passed NIL Award. Questioning the same, the present writ petition is filed.

When the matter is taken up for hearing, it is noticed that the petitioner had attained the age of superannuation at the time of filing the writ petition.

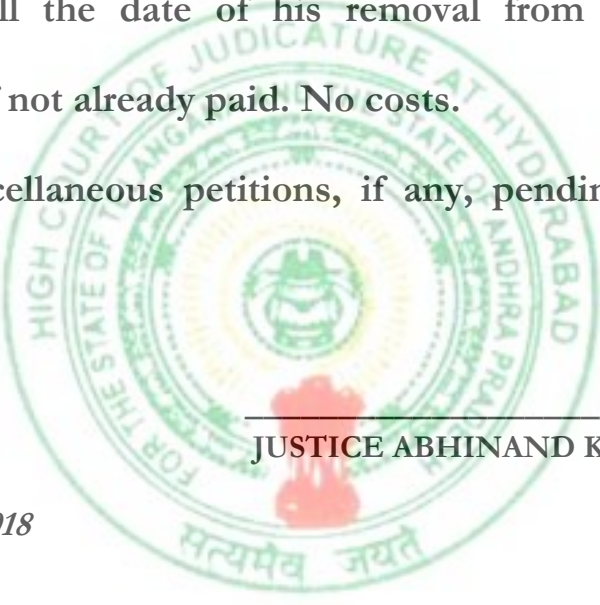
Learned counsel appearing for the petitioner submits that the petitioner expired during pendency of the writ petition. He further submits that since the petitioner rendered service in the respondent-Corporation from 14.09.1973 till the date of his removal from service dated 29.04.1996, his service benefits may be released to his legal representatives.

Learned Standing Counsel appearing for the respondent-Corporation contends that as per the service regulations of the Corporation, the case of the petitioner would be considered and service benefits, if any, would be paid to his family members.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that this Writ Petition can be disposed of directing the legal representatives of the deceased petitioner to submit a representation to the respondent-Corporation.

Accordingly, the Writ Petition is disposed of directing the legal representatives of the deceased petitioner to submit a representation to the respondent-Corporation, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondent-Corporation shall consider the same and pass appropriate orders by releasing service benefits of the deceased petitioner for the service rendered by him in the respondent-Corporation from 14.09.1973 till the date of his removal from service dated 29.04.1996, if not already paid. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

14th August, 2018
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