

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25623 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the award passed by the Labour Court, Guntur in I.D.No.167 of 2002, dated 2.5.2007 as illegal, arbitrary, and to set aside the same, and consequently, to direct the respondents to forthwith release the service, retrial and all other consequential benefits including pension, P.F., Gratuity and back wages in favour of the petitioner.

2. Heard Sri S.R. Sanku, learned Counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation.

3. It has been submitted by the petitioner that he was a conductor in the respondent-Corporation, and while was conducting the bus on 13.6.2000, the checking officials of the respondent-Corporation conducted a check and alleged that the petitioner had indulged in cash and ticket irregularities, and on the report of the checking officials, the respondent-Corporation initiated disciplinary proceedings against the petitioner. Further, it has been submitted that after conducting a regular departmental enquiry, the respondent-Corporation passed order of removal on 26.12.2000, and thereafter, the petitioner preferred I.D.No.167 of

2002 under Section 2-A (2) of the Industrial Disputes Act, and vide order dated 2.5.2007, the Labour Court dismissed the I.D. preferred by the petitioner. Challenging the same, the present writ petition is filed.

4. It has been contended by the learned Counsel for the petitioner that the Labour Court had not exercised its powers under Section 11-A of the Industrial Dispute Act and dismissed the I.D. preferred by the petitioner mechanically.

5. The learned Standing Counsel for the respondents contends that the Labour Court had exercised its powers conferred under Section 11-A of the Industrial Disputes Act and passed the impugned order and therefore, no interference is called for from this Court.

6. This Court has considered the rival submissions made by the parties and perused the material available on record. The petitioner is aged about 60 years in the year 2007. In the circumstances of the case and considering the age of the petitioner, this Court is of the view that ends of justice would be met if this writ petition is disposed of directing the respondent-Corporation to release the service benefits of the petitioner for the period, during which he rendered his services i.e., from the date of his initial appointment till the date of removal, if not already paid.

7. Accordingly, the Writ Petition is disposed of directing the respondent-Corporation to release the service benefits of the petitioner for the period, during which he rendered his services i.e., from the date of his initial appointment till the date of his removal, if not already paid. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

Dated: 14th August, 2018

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Dated: 14.8.2018

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