

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16311 of 2007

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 12.3.2007 in I.D.No.126 of 2004 on the file of the 1st respondent and to quash the same by holding it as arbitrary and illegal, and to grant reinstatement with all consequential benefits to the petitioner.

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

3. It has been submitted by the learned Counsel for the petitioner that he was appointed as a driver in the year 1984 and while he was discharging his duties, the respondent -Corporation issued charge sheet on 25.5.1990 alleging that the petitioner has obtained appointment as driver in the respondent corporation by producing bogus T.C. No.12406, Admission No.4018 said to have been issued by the Head Master, Government High School, Lalapet, Secunderabad, and the said charge sheet was not served on him. Further, it is submitted that an ex parte enquiry was

conducted, and the petitioner was removed for the proven misconduct in the departmental enquiry, vide proceedings dated 29.10.1990. Aggrieved by the removal order, the petitioner preferred appeal before the appellate authority, and the appellate authority rejected the appeal and challenging the same, the petitioner preferred I.D.No.126 of 2004 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 respondent-corporation 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 29.10.1990 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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