

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 26993 of 2003

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.204 of 1998 on the file of the 1st respondent-Labour Court and quash the order dated 26.09.2001 passed therein insofar as denial of continuity of service, back wages and attendant benefits and further imposition of punishment of deferment of four annual increments with cumulative effect, holding it as illegal and arbitrary.

2. Heard Sri A.K. Jayaprakash Rao learned counsel for the petitioner and learned Standing Counsel for the Respondent-Corporation.

3. It has been contended by the petitioner that he was initially appointed as Conductor in the respondent corporation on 22.03.1993 and while he was discharging his duties, the checking officials of the respondent corporation conducted a check and found that he had indulged in cash and ticketing irregularities and the disciplinary authority had construed the same as misconduct and after initiating disciplinary proceedings and after conducting detailed enquiry and for the proven misconduct, removed him from service vide orders dated 13.05.1997. Aggrieved thereby, he unsuccessfully preferred an appeal and a review and thereafter filed I.D.No. 204 of 1998 on the file of the 1st respondent-Labour Court under Section 2-A(2) of the Industrial Disputes Act, and the Industrial Tribunal, without appreciating any of

the contentions raised by him, vide order dated 26.09.2001 set aside the order of removal and directed the respondent corporation to appoint the petitioner afresh and further imposed punishment of deferment of four annual increments with cumulative effect. The same is challenged in this writ petition.

4. The counsel for the petitioner contends that that the petitioner had retired from service during pendency of the writ petition and that the Industrial Tribunal ought to have granted at least continuity of service for the purpose of terminal benefits without any monetary benefits.

5. The Standing Counsel appearing for the respondent corporation contends that the Industrial Tribunal has rightly passed orders and no illegality or irregularity has been pointed out by the petitioner, so as to interfere with the orders passed by the Tribunal. There are no merits in the writ petition and the same is liable to be dismissed.

6. This Court, having considered the submissions made by the parties, is of the considered view that the Industrial Tribunal ought to have granted continuity of service to the petitioner at least for the purpose of terminal benefits without any monetary benefits. Therefore, this Court feels that ends of justice would be met if the petitioner is granted continuity of service only for the purpose of terminal benefits without any monetary benefits.

7. Accordingly, the writ petition is disposed of granting continuity of service to the petitioner only for the purpose of terminal benefits

without any monetary benefits. The rest of the Award passed by the Industrial Tribunal is confirmed. There shall be no order as to costs.

Consequently, miscellaneous petitions pending in the writ petition, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

13th November, 2018
cbs



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(disposed of)

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