

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.7796 OF 2004

ORDER

This writ petition is filed seeking the following relief:

“...to issue writ, order or direction more particularly one in the nature of Writ of Certiorari calling for the records relating to the Award dated 16.7.2001 passed in I.D.No.29/1999 on the file of Industrial Tribunal-cum-Labour Court, Warangal, and set aside the same in so far as directing the respondents to appoint the petitioner afresh as unjust and against the principles of natural justice and further direct the respondents to accord continuity of service to the petitioner from the date of his illegal removal from service, with full back wages and in the interest of justice and pass such other order or orders as this Hon'ble High Court may deem fit and proper in the circumstances of the case.”

Heard Sri D.Rama Krishna, learned counsel appearing for the petitioner, and Sri M.S.G.Jyothi Kiran, learned Standing Counsel appearing for the respondent-Corporation.

Learned counsel appearing for the petitioner contends that while setting aside the order of removal, the Labour Court ought to have granted continuity of service for the purpose of terminal benefits without monetary benefits; and that pursuant to the Award of the Labour Court, the petitioner was reinstated into service.

Learned Standing Counsel appearing for the respondent-Corporation contends that the Labour Court has

rightly passed the impugned Award and no interference is called for from this Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the Labour Court ought to have granted continuity of service atleast for the purpose of terminal benefits, without monetary benefits.

Accordingly, the Writ Petition is disposed of directing the respondent-Corporation to treat the reinstatement of the petitioner into service with continuity of service for the purpose of terminal benefits, without monetary benefits. In all other aspects, the rest of the order is confirmed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

24th December, 2018
rkk

