

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 13704 of 2009

ORDER:-

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to the Award dated 22.07.2008 in I.D.No. 35 of 2007 passed by the Industrial Tribunal-cum-Labour Court, Anantapur and quash the same to the extent of not granting continuity of service, back-wages and other attendant benefits, as being illegal and arbitrary and consequently direct the 2nd respondent – Corporation to grant continuity of service, back-wages and other attendant benefits.

Heard Sri G. Ravi Mohan, learned counsel for the petitioner and Sri A. Rama Rao, learned Standing Counsel for A.P.S.R.T.C. appearing on behalf of the 2nd respondent and perused the material placed on record.

The brief facts of the case are that the petitioner was having valid driving licence and appointed as Driver in the respondent – Corporation in the year 1988. While he was conducting the bus in the year 2005, the inspection team of the respondent-Corporation inspected the documents of the petitioner and found that his driving licence expired and he did not apply for its renewal. Later, the petitioner got renewed his driving licence, but the R.T.A. officials while

renewing his licence have given incorrect number. The respondent – Corporation got enquired the original driving licence obtained by the petitioner and found to be not genuine, as such, the conduct of the petitioner was construed as misconduct, and the respondent – Corporation, after initiating disciplinary proceedings, imposed punishment of removal from service for the proven misconduct vide orders dated 14.03.2006. Thereafter, the petitioner unsuccessfully pursued his remedies by preferring an appeal and review. Subsequently, the petitioner filed I.D.No. 35 of 2007 under Section 2A(2) of the Industrial Disputes Act, 1947, and the Labour Court, passed the impugned award dated 22.07.2008 setting aside the order of removal and directed that the petitioner be reinstated into service as fresh Driver without continuity of service and back-wages. Challenging the denial of continuity of service and back-wages, the present writ petition is filed.

The learned Standing Counsel for the respondent – Corporation submits that the disciplinary authority has gone into the entire record and imposed punishment, and the Labour Court has rightly passed the award directing reinstatement of the petitioner and denying back-wages and continuity of service. It is further contended that in compliance with the order passed by the Labour Court, the

petitioner was already reinstated into service. Hence, the impugned Award does not call for interference by this Court.

This Court, having considered the rival submissions of both the parties, is of the opinion that the petitioner was allowed to discharge duties as driver based upon the driving licence issued by the R.T.A. officials, and subsequently, when his licence was renewed, a mistake was committed on the part of the R.T.A. officials in not issuing correct driving licence number, for which, the petitioner cannot be found fault. Be that as it may, ends of justice would be met if the services rendered by the petitioner from 1988 to 2008 i.e. till his reinstatement, are counted for the terminal benefits without any back-wages and other attendant benefits.

With the above observations, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

ABHINAND KUMAR SHAVILI, J

24-08-2018

bcj