

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.NO.25160 OF 2004

O R D E R

Heard the learned counsel for the petitioner and Sri K.Sinivas Rao, learned Standing Counsel for the respondent – Corporation.

Petitioner was working as Driver in the respondent – Corporation. On the ground of unauthorized absence from duty, vide proceedings of the 3rd respondent – Depot Manager, dated 11.09.2002, he was terminated from service. Having filed appeal and review unsuccessfully, petitioner filed the present writ petition, to set aside the impugned orders and to direct the respondent – Corporation, to reinstate the petitioner into service with all consequently benefits including back wages.

When the matter is taken up for hearing, it is notice that the petitioner has already attained the age of superannuation. In view of the same, question of directing the respondent – Corporation to reinstate the petitioner into service does not arise.

The primary authority, after framing appropriate charge and conducting inquiry in compliance with the principles of natural justice, while passing orders of removal, has categorically found that the petitioner is in the habit of absenting from duties and that on the earlier occasion also, the petitioner was removed from service on the ground of unauthorized absenteeism and reinstated into service on consideration of his review, but he has not changed his attitude and continued to absent from duties and continuance of such employee is detrimental to the interest of the organization and also to the traveling public. The appellate and the revisional authorities, on re-appreciation of entire material,

confirmed the same. Hence, I do not find any reason to interfere with the said findings of fact.

However, having regard to the facts and circumstances of the case, writ petition is disposed of directing the respondents to pay the terminal benefits for the services rendered by the petitioner prior to his removal from service, if not already paid, within a period of four weeks from the date of receipt of a copy of this order.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

Date: 26—10—2018

AVS



ABHINAND KUMAR SHAVIL, J