

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.24198 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 I.D.No.117 of 2002 on the file of the Labour Court-II, Hyderabad; to quash the award dated 23.7.2004 passed therein, and consequently, to direct the respondents to reinstate the petitioner into service with continuity of service, with full back wages and with all attendant benefits and to regularize the service of the petitioner from the date of his oral termination.

2. Heard Sri Sadu Rajeshwar Reddy, learned Counsel for the petitioner and Sri N. Vasudeva Reddy, learned Standing Counsel for the respondent-Corporation.

3. It is the case of the petitioner that he was initially appointed as casual driver on 13.5.1997 and while he was discharging his duties, on the allegation that he participated in the illegal strike, he was terminated orally on 19.7.1998, without conducting any enquiry. Thereafter, the respondent-Corporation as one time measure took all the terminated employees into service, but however, insisted that those employees should produce genuine driving licence. During the course of verification, it was found that the petitioner was

having a fake driving licence. The petitioner was not taken into service. Challenging the same, the petitioner filed I.D.No.117 of 2002 before the Labour Court under Section 2-A(2) of the Industrial Disputes Act. The Labour Court vide order dated 23.7.2004 set aside the termination order dated 19.7.1998 and directed that the petitioner be reinstated into service as Grade II casual driver on daily wage basis on producing the valid subsisting heavy driving licence. However, the Labour Court has not granted continuity of service and back wages to the petitioner. Challenging the same, the present writ petition is filed.

4. Learned Counsel for the petitioner contended that the Labour Court while exercising the power under Section 11-A of the Industrial Disputes Act ought to have granted continuity of service atleast for the purpose of terminal benefits, but the Labour Court failed to do so and the Labour Court has also not granted back wages also to the petitioner.

5. The learned Standing Counsel for the respondent-Corporation contended that the Labour Court has rightly passed the award, and no illegality has been pointed out by the petitioner in the award passed by the Labour Court, and the award passed by the Labour Court does not warrant any interference.

6. Considering the submissions made by the parties, this Court is of the view that ends of justice would be met if the respondent-Corporation is directed to grant continuity of service to the petitioner for the purpose of terminal benefits without any monetary benefits as the respondent-Corporation imposed the punishment of termination without conducting any enquiry for the alleged misconduct of participation in illegal strike. Further, it was brought to the notice of this Court that similarly situated persons were engaged. Therefore, the respondent-Corporation was not justified in terminating the services of the petitioner only.

7. Accordingly, the Writ Petition is disposed of directing the respondent-Corporation to grant continuity of service to the petitioner for the purpose of terminal benefits without any monetary benefits. Rest of the award of the Labour Court is confirmed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 17.09.2018.
nn.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI



17/09/2018

Nn.