

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITON No. 11592 of 2004

O R D E R:

The present writ petition is filed seeking *Certiorari* calling for records pertaining to and connected with ID No.54 of 2001 on the file of respondent No.1, denying continuity of service, back wages and other benefits to the petitioner as illegal, arbitrary and set aside the same.

2. The brief facts of the case are that initially, the petitioner was appointed as Driver on 13.11.1987. While he was discharging duties as Driver on the bus bearing No. AP 9Z 1090 on the route Gunadala, the bus was involved in a road accident with a tractor while negotiating a curve at Bethampudi village, wherein, one occupant of tractor died and sustained injuries to one bus passenger and two tractor occupants.. The petitioner was issued charge sheet levelling with three charges against him for which he submitted his explanation. After completion of enquiry, the enquiry officer submitted his report and basing on the same, the petitioner was removed from service by proceedings dated 29.06.1999 issued by the Corporation. Questioning the same,

petitioner preferred appeal and review to the Corporation, which were rejected by orders dated 25.03.2000 and 17.10.2000 respectively. Aggrieved by the same, petitioner filed ID No.54 of 2001 before respondent No.1, and the tribunal, by impugned Award dated 31.03.2003 directed respondent No.2 to reinstate the petitioner as a fresh driver, and as such, he joined duty.

3. The grievance of the petitioner is that respondent No.1 while appointing him as a Driver afresh, did not consider his claim for granting continuity of service, attendant benefits and back wages.

4. Heard Sri G.Ravi Mohan, learned counsel for the petitioner and learned Standing Counsel appearing for respondent No.2-Corporation.

5. The learned counsel for the petitioner would contend that the tribunal while reinstating the petitioner as a fresh driver, ought to have granted continuity of service and back wages to him.

6. The learned Standing Counsel for respondent No.2-corporation contended that the tribunal did not consider the fact that the petitioner was removed from service for the proved misconduct and erred in setting aside the order of removal dated

29.06.1999 and reinstating the petitioner as a fresh driver.

Therefore, the tribunal arbitrarily and illegally passed the impugned order and the same is liable to be set aside.

7. I have Perused the material available on record.

8. Having considered the rival submissions of both the counsel, this court is of the considered view that ends of justice would be met if respondent No.2-Corporation is directed to grant continuity of service to the petitioner for the purpose of pensionary benefits without monitory benefit. The rest of the award passed by respondent No.1-Tribunal stands good.

9. With the above observations, the writ petition is disposed of.

No costs.

10. Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

04th October, 2018
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