

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26451 of 2011

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with the award dated 14.12.2010 in I.D.No.202 of 2009 on the file of the 1st respondent and to quash the same by holding it as arbitrary and illegal, and to grant reinstatement with all consequential benefits to the petitioner.

2. Heard Sri G. Ravi Mohan, learned Counsel for the petitioner and the learned Standing Counsel for the respondent Corporation.

3. It has been submitted by the learned Counsel for the petitioner that he was appointed as a conductor in the year 1987 and while he was discharging his duties, in the month of May, 2003 he fell sick and submitted an application for grant of leave on medical ground on 4.3.2005 and after recovery from ill-health, he reported for duty, but he was not permitted to join duty. It has been further submitted that the respondent -Corporation issued charge sheet on 29.5.2003 alleging unauthorized absence, for which, the petitioner gave his explanation, and being not satisfied with the

same, a detailed enquiry was conducted, and the petitioner was removed for the proven misconduct in the departmental enquiry, vide proceedings dated 18.10.2006. Further, it has been submitted that aggrieved by the removal order, the petitioner preferred appeal before the appellate authority, and the appellate authority rejected the appeal vide order dated 28.12.2006, the review petition was also rejected on 26.4.2007 and challenging the same, the petitioner preferred I.D.No.202 of 2009 before the 1st respondent-Labour Court under Section 2-A(2) of the Industrial Disputes Act and the said I.D. was dismissed. Hence, the petitioner filed this writ petition.

4. Learned Counsel for the petitioner as well as learned Standing Counsel for the respondent Corporation submits that similar issue arose in WP.No.19950 of 2003 and this Court vide orders dated 3.8.2018 disposed of the said writ petition setting aside the order of removal of the petitioner therein and modifying the award of the Labour Court to the effect that the petitioner be reinstated into service as a fresh entrant without any back wages, continuity of service and other attendant benefits.

6. Accordingly, this Writ Petition is disposed of setting aside the order of removal of the petitioner dated 18.10.2006 and modifying the award of the Labour Court to the effect that petitioner be

reinstated into service as a fresh entrant without any back wages, continuity of service and other attendant benefits. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 06/11/2018

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