

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.22505 of 2002ORDER:

This writ petition is filed seeking a writ of certiorari to call for the records related to and connected with the orders passed in I.D.No. 256/ 1999, dated 03.01.2002 passed by the Industrial Tribunal and quash or set aside the same, holding it as arbitrary, illegal, and consequently reinstate the petitioner as Conductor with continuity of service, attendant benefits and back wages.

2. Heard Sri Ravi Mohan, the counsel for the petitioner and Sri P.Durga Prasad, Standing Counsel for the Respondent-Corporation.

3. It has been contended by the petitioner that he was initially appointed as a Conductor and while he was discharging his duties, on 06.03.1999, it has been alleged that the petitioner had indulged in cash and ticketing irregularities, and the disciplinary authority has considered the same as a misconduct and initiated disciplinary proceedings, and after conducting detailed enquiry and for the proven misconduct, the petitioner was removed from service, vide orders dated 03.08.1999. Thereafter, the petitioner has unsuccessfully preferred an appeal, and filed I.D.No. 256/ 99 under Section 2-A(2) of the Industrial Disputes Act, and the Industrial Tribunal was pleased to set aside the orders of removal and directed to reinstate the petitioner into service as Cleaner; however, while granting relief, has erroneously denied back wages and continuity of service.

4. The counsel for the petitioner contends that the Industrial Tribunal ought to have granted at least continuity of service, without any monetary benefits.

5. The Standing Counsel appearing for the respondents contends that the Industrial Tribunal has rightly passed orders and no illegality or irregularity has been pointed out by the petitioner, so as to interfere with the orders passed by the Tribunal; there are no merits in the writ petition and the same is liable to be dismissed.

6. This Court, having considered the submissions made by the parties, is of the considered view that the Industrial Tribunal ought to have granted continuity of service to the petitioner, without any monetary benefits. This Court feels, ends of justice would be met if the petitioner is granted continuity of service without any monetary benefits.

7. Accordingly, the writ petition is disposed of, modifying the Award passed by the Industrial Tribunal, granting the petitioner continuity of service without any monetary benefits. The rest of the Award passed by the Industrial Tribunal is confirmed. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 30.10.2018
DMG