

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.14185 of 2007

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the Award dated 15.2.2007 passed in I.D.No.15 of 2006 by the Labour Court-III, Hyderabad, and to quash or set aside the same by holding it as arbitrary and illegal.

Heard Sri S.M.Subhan, learned counsel appearing for the petitioner, and Sri B.Mayur Reddy, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that he was appointed as a Driver in the respondent-Corporation in the year 1996 and was discharging his duties as such. Due to his ill health and domestic problems, he was absented to his duties in the month of June, 2002. This incident was construed as misconduct, the disciplinary authority had initiated disciplinary proceedings against the petitioner. After conducting departmental enquiry and for the proven misconduct, the respondent-Corporation removed him from service *vide* order dated 11.9.2002. Challenging the same, the petitioner preferred I.D.No.15 of 2006 before the Labour Court-III, Hyderabad. The Labour Court *vide* Award dated

15.2.2007 set aside the removal order dated 11.9.2002 and directed the respondent-Corporation to reinstate the petitioner into service as Driver afresh in regular pay scale without any other benefits. Questioning the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contends that the Labour Court ought to have granted continuity of service for the purpose of terminal benefits, without any monetary benefits.

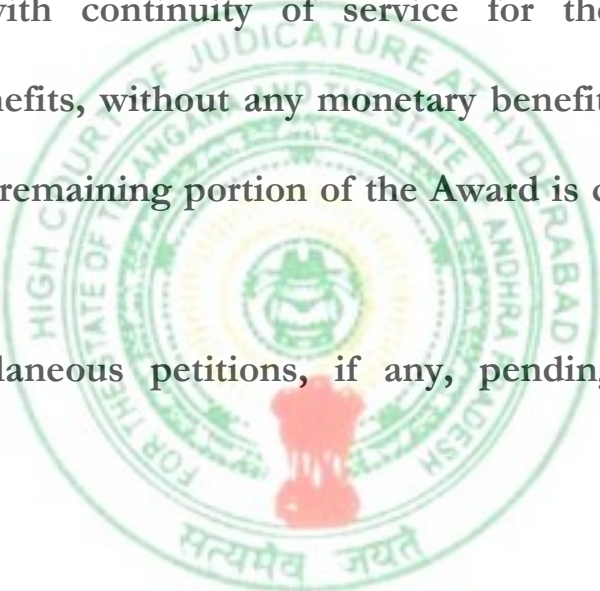
Learned Standing Counsel appearing for the respondent-Corporation contends that the disciplinary authority has rightly removed the petitioner from service for the proven misconduct; that the Labour Court had interfered with the order of removal on proportionality theory and reinstated the petitioner into service as Driver afresh in regular pay scale without any other benefits; that no illegality has been committed by the Labour Court and that the Labour Court has rightly passed the impugned Award and therefore, no interference is called for from this Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that while exercising its power under Section 11-A of the Act, the Labour Court ought to have reinstated the petitioner

into service with continuity of service for the purpose of terminal benefits. Hence, ends of justice would be met if a direction is given to the respondent-Corporation to treat the reinstatement of the petitioner with continuity of service for the purpose of terminal benefits, without any monetary benefits.

Accordingly, the Writ Petition is disposed of directing the respondent-Corporation to treat the reinstatement of the petitioner with continuity of service for the purpose of terminal benefits, without any monetary benefits. In all other aspects, the remaining portion of the Award is confirmed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

3rd October, 2018
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