

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 26769 of 2009

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.84 of 1996 on the file of the Industrial Tribunal-cum-Labour Court, Godavarikhani, and quash the order dated 05.06.2000 passed therein insofar as denial of continuity of service, attendant benefits and back wages, holding it as illegal and arbitrary.

2. Heard Sri P. Govindarajulu, learned counsel for the petitioner and Ms. Danda Radhika, learned Standing Counsel for the Respondent-Corporation.

3. It has been contended by the petitioner that he was initially appointed as Conductor in the respondent corporation in the year 1993 and while he was discharging his duties on 22.06.1995, the checking officials of the respondent corporation conducted a check and found that he had indulged in cash and ticketing irregularities and the disciplinary authority had construed the same as misconduct and after initiating disciplinary proceedings and after conducting detailed enquiry and for the proven misconduct, removed him from service vide orders dated 21.09.1995. Aggrieved thereby, after exhausting alternative remedy, he filed I.D.No. 84 of 1996 on the file of the Industrial Tribunal-cum-Labour Court, Godavarikhani, under Section 2-A(2) of the Industrial Disputes Act, and the Industrial Tribunal,

without appreciating any of the contentions raised by him, vide order dated 05.06.2000, set aside the order of removal and directed the respondent corporation to reinstate him into service as fresh daily wage conductor without continuity of service, attendant benefits and back wages. Questioning the same, the present writ petition is filed.

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 respondent corporation 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. Therefore, this Court feels that 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 granting continuity of service to the petitioner without any monetary benefits. The rest of the Award passed by the Industrial Tribunal is confirmed. There shall be no order as to costs.

Consequently, miscellaneous petitions pending in the writ petition, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

5th November, 2018
cbs



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(disposed of)

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