

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.20310 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 14.2.2011 in I.D.No.9 of 2009 on the file of the Labour Court II, Hyderabad and to quash the same by holding it as arbitrary and illegal, and to grant reinstatement with continuity of service, attendant benefits and back wages to the petitioner.

2. Heard Sri V.Narsimha Goud, learned Counsel for the petitioner and Sri C.Sunil Kumar Reddy, learned Standing Counsel for the respondent -Corporation.

3. It has been submitted by the learned Counsel for the petitioner that he was appointed as driver in the year 1987 and while he was discharging his duties, respondent -Corporation issued a charge sheet on 8.11.2006 alleging that he has caused loss to the Corporation to a tune of Rs.6,500/-. It is further submitted that the petitioner gave his explanation to the charge memo 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 29.8.2007. Aggrieved by the removal order, the petitioner preferred appeal and the appeal

was rejected vide orders dated 27.2.2009 and challenging the same, the petitioner preferred I.D.No.9 of 2009 before the Labour Court II, Hyderabad 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.

5. Accordingly, this Writ Petition is disposed of setting aside the order of removal of the petitioner dated 29.8.2007 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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