HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.12101 OF 2007

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.72 of 2000, dated 09.11.2006, passed by the Labour Court, Guntur, and quash or set aside the same by holding it as arbitrary and illegal, and consequently to reinstate the petitioner into service with continuity of service and attendant benefits.

Heard Sri V.Vishwanatham, learned counsel appearing for the petitioner and Sri P.Durga Prasad, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that initially, he was appointed as Driver on 02.01.1976 and while working as such, he caused an accident on 09.06.1999. His conduct was constructed as a misconduct and hence, the respondent-Corporation issued a charge sheet on 23.07.1999. After conducting regular departmental enquiry, the petitioner was removed from service vide proceedings dated 30.09.1999. The appeal and review filed by the petitioner were rejected. Hence, he filed I.D.No.72 of 2000 before the Labour Court, Guntur, under Section 2-A (2) of the Industrial Disputes Act, 1947 (for

short 'the Act'). The Labour Court *vide* order dated 09.11.2006 passed NIL Award. Challenging the same, the present writ petition is filed.

When the matter is taken up for hearing, it is noticed that the petitioner was aged 52 years at the time of filing the writ petition and as of now, he might have attained the age of superannuation.

Learned counsel appearing for the petitioner submits that the petitioner expired during pendency of the writ petition. He further submits that since the petitioner rendered service in the respondent-Corporation from 02.01.1976 till the date of his removal from service dated 30.09.1999, his service benefits may be released to his legal representatives.

Learned Standing Counsel appearing for the respondent-Corporation contends that as per the service regulations of the Corporation, the case of the petitioner would be considered and service benefits, if any, would be paid to his family members.

Having considered the submissions made by the learned counsel on either side, this Court is of the considered view that this Writ Petition can be disposed of directing the legal representatives of the deceased petitioner to submit a representation to the respondent-Corporation.

Accordingly, the Writ Petition is disposed of directing the legal representatives of the deceased petitioner to submit a representation to the respondent-Corporation, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondent-Corporation shall consider the same and pass appropriate orders by releasing service benefits of the deceased petitioner for the service rendered by him in the respondent-Corporation from 1976 to 30.09.1999, if not already paid. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

14th August, 2018
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