

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2020 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating in I.D.No.120 of 1999 on the file of the Industrial Tribunal-cum-Labour Court, Ananthapur, and quash the award dated 22.1.2002 (which was published in G.O.Rt.No.540 dated 7.3.2002) as illegal and arbitrary and consequently to direct the respondents to reinstate the petitioner into service with continuity of service with all attendant benefits including backwages.

Heard Si P.Govinda Rajulu, learned counsel for the petitioner and Si A.Rama Rao, learned standing counsel for the respondent Corporation.

It has been contended by the petitioner that he was initially appointed as driver on 23.3.1974. While he was discharging his duties as driver, he had assaulted his co-worker in a drunken condition and the said act of the petitioner was construed as misconduct. After initiating disciplinary proceedings against the petitioner, the disciplinary authority had imposed punishment of removal from service for the proven misconduct on 14.9.1998. The appeal and revision preferred by the petitioner were also dismissed. Thereafter, the petitioner filed I.D.No.120 of 1999 under Section 2(A) of the Industrial Disputes Act. The Industrial Tribunal-cum-Labour court, Ananthapur, vide orders dated 22.1.2002 had dismissed the I.D. preferred by the petitioner. Challenging the same, the present writ petition is filed.

It has been contended by the learned counsel for the petitioner that the petitioner had attained the age of superannuation and at this

stage, the petitioner cannot be reinstated into service. Learned counsel for the petitioner further contended that for the service rendered by the petitioner prior to the orders of removal, the respondent Corporation may be directed to pay the service benefits to the petitioner.

Learned standing counsel for the respondent had contended that the disciplinary authority had rightly imposed the punishment of removal for the proven misconduct and the Industrial Tribunal had also rightly rejected the case of the petitioner and therefore no interference is called for.

This Court having considered the submissions made by both the parties is of the opinion that this writ petition can be disposed of directing the respondent to pay the service benefits to the petitioner for the service rendered by him prior to removal from service, if not already paid.

Accordingly, the Writ Petition is disposed of directing the respondent Corporation to pay the service benefits to the petitioner for the service rendered by him prior to removal from service within a period of four weeks from the date of receipt of a copy of this order, if not already paid.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 17/09/2018
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