

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 3584 of 2004

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.15 of 2001 on the file of the 1st respondent-Labour Court and quash the award dated 10.12.2002 passed therein to the extent of denial of continuity of service, back wages and attendant benefits, holding it as illegal and arbitrary.

Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the 2nd respondent corporation.

Learned counsel appearing for the petitioner contends that while setting aside the order of removal, the Labour Court ought to have granted continuity of service for the purpose of terminal benefits without monetary benefits, but it denied the consequential reliefs; and that pursuant to the order of the Labour Court, the petitioner was reinstated into service.

Learned Standing Counsel appearing for the 2nd respondent-Corporation contends that the Labour Court has rightly passed the impugned award and no interference is called for from this Court.

Having considered the submissions made by the learned counsel on either side, this Court is of the considered view that the Labour Court ought to have granted continuity of service at least for the purpose of terminal benefits, without monetary benefits.

Accordingly, the Writ Petition is disposed of directing the respondent-Corporation to treat the reinstatement of the petitioner into service with continuity of service for the purpose of terminal benefits, without monetary benefits. In all other aspects, the rest of the award is confirmed.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

21st December, 2018
cbs



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Writ Petition No.3584 of 2004
(disposed of)

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