

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.11182 of 2004

ORDER :

This writ petition is filed seeking a writ of Certiorari, calling for the records relating to and connected with I.D.No.194 of 1999 and quash the same as being illegal and arbitrary insofar as denial of continuity of service, back wages and all other benefits and consequently direct the 2nd respondent to grant continuity of service, back wages and all other benefits to the petitioner.

Heard Sri P.Govinda Rajulu, learned counsel for the petitioner and the learned Government Pleader for Labour.

It has been contended by the petitioner that he was appointed as a Cleaner in the 2nd respondent-Corporation in 1974. In pursuance of the award of labour Court in I.D.No.565 of 1992, the petitioner was reinstated into service on 16.09.1995. Thereafter, due to illness, he could not attend to duties and the same was intimated to the 2nd respondent along with medical certificate. But, after conducting *ex parte* inquiry, the 2nd respondent-Corporation has removed the petitioner from service. The appeal and revision preferred by the petitioner also ended in dismissal. Therefore, the petitioner approached the Industrial Tribunal under Section 2-A(2) of the Industrial Disputes Act. The Tribunal directed to reinstate the petitioner into service, with a further direction that continuity of service shall be given effect only for the purpose of terminal benefits and he shall not be entitled for any notional increments for interregnum period and he is also not entitled for back wages. Aggrieved by the same, the present writ petition is filed.

Learned counsel for petitioner submits that taking into account the fact that the petitioner could not attend to duties due to illness and the same has been intimated to the respondents, the Tribunal ought to have granted continuity of service with all consequential benefits including notional increments.

Learned Standing Counsel for the 2nd respondent submits that only after conducting inquiry as per Rules, the punishment was imposed on the petitioner and the Labour Court has rightly ordered for reinstatement of petitioner without consequential benefits. It is submitted that no grave illegality or irregularity has been pointed out by the petitioner in the orders passed by the Labour Court. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions made by the parties, is of the considered view that the Labour Court has rightly passed the award in favour of the petitioner. Further, no illegality or irregularity is pointed out by the learned counsel for the petitioner in the award passed by the Labour Court. Unless and until any illegality or irregularity is pointed out by the learned counsel for the petitioner in the award passed by the Labour Court, this Court cannot interfere with the award. There are no merits in the writ petition.

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

ABHINAND KUMAR SHAVILI, J

11th December 2018
ajr