

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17269 OF 2005

ORDER :

This writ petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to issue a Writ, Order or directions, more in the nature of Writ of Certiorary calling the records in I.D.NO.223 of 1999, dated: 5-10-2004 on the file of Labour Court, Guntur and quash the same in so far against to the petitioner in denying continuity of service, attendant benefits and back wages and further direct the respondents to grant continuity of service, attendant benefits and back wages and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case”.

Heard Sri P.Govinda Rajulu, the learned counsel for the petitioner and the learned Standing Counsel for the Respondent-Corporation.

It has been contended by the petitioner that while he was working as Conductor in the 1st respondent depot, the 1st respondent issued a Charge Sheet dated 3-2-1999 and kept him under suspension, pending departmental enquiry on the allegation that, he has committed some cash and ticket irregularities, while conducting the bus. After conducting enquiry, the 1st respondent issued orders dated 14-5-1999 removing him from service. Thereafter, the petitioner raised I.D.No.223/1999, under Section 2-A(2) of the Industrial Disputes Act, and the Labour Court was pleased to set aside the orders of removal and directed that the petitioner shall be reinstated into

service as fresh conductor and further directed that the service rendered by the petitioner, prior to his removal, shall not be counted for any purpose.

The counsel for the petitioner contends that the Labour Court ought to have granted, at least continuity of service, without any monetary benefits.

The Standing Counsel, appearing for the respondents, contends that the Labour Court has rightly passed orders and no illegality or irregularity has been pointed out by the petitioner, so as to interfere with the orders passed by the Labour Court; there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the submissions made by the parties, is of the considered view that the Labour Court ought to have granted continuity of service to the petitioner, without any monetary benefits. This Court feels, ends of justice would be met, if the petitioner is granted continuity of service without any monetary benefits.

Accordingly, the writ petition is disposed of, modifying the Award passed by the Labour Court, granting the petitioner continuity of service without any monetary benefits. The rest of the Award passed by the Labour Court confirmed. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 10.12.2018