

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.13273 OF 2007

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the Award dated 10.12.2002 passed in I.D.No.15 of 2001 by the Labour Court-I, Hyderabad, and to quash or set aside the same by holding it as arbitrary and illegal and consequently to direct the respondents to treat the reinstatement of the petitioner with continuity of service, full back wages and attendant benefits.

Heard Sri P.Venkateswara Rao, learned counsel appearing for the petitioner, learned Government Pleader appearing for the 2nd respondent and Sri VTM Prasad, learned Standing Counsel appearing for the 1st respondent-Corporation.

It is the case of the petitioner that he was appointed as a Driver in the respondent-Corporation in the year 1987 and his services were regularized with effect from 29-04-1988. While discharging his duties as such, he caused an accident on 28-07-1996, due to which, the rider of the Luna died instantaneously. This incident was construed as a misconduct, the respondent-Corporation initiated disciplinary

proceedings and after conducting regular departmental enquiry, imposed the punishment of removal from service for the proven misconduct *vide* proceedings dated 28.09.1999. The appeal and the review preferred by the petitioner were rejected on 29.01.2000 and on 13.02.2001 respectively. Challenging the same, the petitioner preferred I.D.No.15 of 2001 under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short 'the Act') before the Labour Court-I, Hyderabad. The Labour Court allowed the said ID in part, and directed the respondent-Corporation to reinstate the petitioner into service as Driver afresh, without back wages, without continuity of service and without any other attendant benefits. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that in the entire career of the petitioner, except the present charges, no other allegations were levelled against him. He further submits that while exercising its power under Section 11-A of the Act, the Labour Court ought to have reinstated the petitioner into service as Driver afresh, with continuity of service, back wages and attendant benefits.

Learned Standing Counsel appearing for the respondent-Corporation submits that the disciplinary authority has rightly imposed the punishment of removal for

the proven misconduct and the Labour Court had also rightly passed the Award and therefore, no interference is called for from this Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that except the present charges, no other allegations were levelled against the petitioner in his entire career, and therefore, the Labour Court ought to have reinstated the petitioner into service with continuity of service for the purpose of terminal benefits.

Accordingly, the Writ Petition is disposed of. The reinstatement of the petitioner into service shall be treated to that of continuity of service for the purpose of terminal benefits, but without any monetary benefits. The Award passed by the Labour Court is confirmed, in all other aspects. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

26th September, 2018
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