

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.12730 of 2002

ORDER:

This writ petition is filed seeking a Writ of *Mandamus* to declare the Award of the 1st respondent passed in I.D.No. 8 of 1999 dated 7.7.2001 and the proceedings of respondent Nos.2 and 3 in No.E2/1(92) 97-JPT, dated 29.12.1997 and No.Steno/19(135)/98-Dy.CTM (R) dated 12.4.1999 respectively as being arbitrary and illegal. A consequential direction to reinstate the petitioner into service is also sought.

Heard Sri C.N.Murthy, learned counsel for the petitioner and Sri S.V.Ramana, learned standing counsel for respondent-Corporation.

It is contended by the petitioner that he was appointed as conductor on 26.5.1985 and during the year 1997, owing to certain domestic problems and other issues, he remained absent from duty from 21.10.1997 to 12.11.1997. His absence was considered as misconduct by the respondent-Corporation and the respondent-Corporation issued a charge sheet, and after conducting departmental enquiry, imposed a major punishment of removal from service on him vide orders dated 29.12.1997. Thereafter, the petitioner preferred an appeal before the appellate authority-3rd respondent and the 3rd respondent has allowed the appeal on 12.4.1999 and directed that the petitioner should report for duty within 10 days before the appellate authority. But, before the appellate authority could pass orders, the petitioner had filed I.D.No.8 of 1999 before the Labour Court, Guntur. Because of the pendency of the I.D., the petitioner did not report for duty and thereafter the Industrial Dispute preferred by the petitioner was dismissed by the Labour Court on 7.7.2001. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner would contend that a lenient view may be taken in this case and the petitioner may be paid service benefits for the service rendered by him from 1985 till the date of removal.

Learned counsel appearing for the respondent-Corporation would contend that the appellate authority has already taken a lenient view and ordered for reinstatement of the petitioner and in spite of the same, the petitioner has not joined duty and that the Labour Court has rightly dismissed the Industrial Dispute preferred by the petitioner and, hence, no interference is called for. He further contends that as per the regulations of the Andhra Pradesh State Road Transport Corporation, the employees, who are removed from service, will be paid the benefits for the service rendered by them.

Considering the submissions made by the parties, this Writ Petition is disposed of directing the respondents to pay the terminal benefits to the petitioner for the service rendered by him from 1985 to 29.12.1997 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. No order as to costs.

ABHINAND KUMAR SHAVILI, J

Date: 27/07/2018

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