

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.12377 OF 2005

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ or order or direction especially one in the nature of Writ of Certiorari: (i) Call for the records pertaining to the Award passed on I.D.No.140/2000, dated 25.6.2003 on the file of the Hon'ble Labour Court II and declare that non-granting of continuity of service and back wages to the petitioner as illegal and arbitrary and set aside the same to the extent of non-granting of continuity of service and back wages. (ii) consequently direct the respondents to grant continuity of service and back wages to the petitioner (iii) 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 K.Vasudeva Reddy, learned counsel appearing for the petitioner, and Ms. B.G.Uma Devi, learned Standing Counsel appearing for the 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 and he had retired from service on attaining the age of superannuation.

Learned Standing Counsel appearing for the 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 rival 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 atleast 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. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

24th December, 2018

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