

HON'BLE SRI JUSTICE M.GANGA RAO

W.P.No.20755 OF 2001

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the 3rd respondent in not permitting the petitioner to discharge his duties as Conductor with effect from 4.8.2001 and without assigning any reasons, prevented him from service *vide* proceedings dated 3.7.2001 issued by the 2nd respondent, as arbitrary, illegal and consequently to grant all consequential benefits.

It is the case of the petitioner that he was appointed as Conductor in the year 1997. Thereafter, he was removed from service on 27.01.2000. Aggrieved thereby, he preferred an appeal and the same was rejected. Hence, he preferred revision before the revisional authority, which, in turn, has taken a lenient view and ordered fresh appointment as Conductor, on daily wage basis. Accordingly, he was reinstated into service on 24.6.000 and continuously worked till 4.8.2001. Thereafter, he was disengaged on the ground of slack season and non-availability of the work. Aggrieved by the same, the petitioner filed the present writ petition.

While admitting the writ petition, on 12.10.2001, this Court granted interim direction to continue the petitioner in service.

Learned counsel for the petitioner contends that while working as Conductor, the petitioner was removed from service on 4.8.2001 illegally and contrary to the provisions of Sections 25 (F) and (N) of the Industrial Disputes Act, 1947 (for short 'the Act') and the petitioner is entitled for re-engagement under the provisions of Section 24 (N) of the Act. He further submits that in pursuance of the said interim direction, petitioner was re-engaged and continued in service and thereafter, he was disengaged contrary to the provisions of Section 25 (N) of the Act.

Per contra, learned counsel appearing for the respondent-Corporation contends that in pursuance of the said interim direction granted by this Court on 12.10.2001, the petitioner was continued in service as a daily wage Conductor and thereafter, the petitioner himself absented from his duties and since then, till date, he is not on duty. Hence, the petitioner is not entitled to reinstatement under the provisions of Section 25 (N) of the Act.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered opinion that in view of the interim direction granted by this Court on 12.10.2001 to continue the petitioner, no further orders are necessary in this writ petition.

Accordingly, the Writ Petition is closed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE M.GANGA RAO

26th June, 2018
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