

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 13720 of 2007

O R D E R:

This writ petition is filed seeking to issue a writ of *Certiorari* calling for records pertaining to and connected with the Award dated 07.06.2005 passed in ID No.108 of 2003 by Labour Court -III, Hyderabad, and quash the same as illegal and arbitrary.

The case of the petitioner is that while he was working as Driver in respondent Depot, the Corporation authorities issued charge sheet dated 11.09.1998 against him alleging that on 24.07.1998 he drove the bus bearing No.AP 10Z 2486 on the route from Hyderabad-Nagarkurnool, resulting in, the bus met with an accident and caused death of one pedestrian at Raikal Village. Pending enquiry, petitioner was put off duty. Based on the enquiry report, dated 16.02.1999, respondent-Corporation issued a show cause notice of removal dated 24.03.1999 followed by proceedings dated 28.04.1999 removing the petitioner from service. Being unsuccessful in the appeal and the review by proceedings dated 19.07.2000 and 30.01.2001 respectively, petitioner, filed ID No.108 of 2003 before labour Court-III,

Hyderabad, wherein the Labour Court by impugned award set aside the removal order dated 28.04.1999 and reinstated the petitioner as Driver with continuity of service but without back wages and attendant benefits. Hence, petitioner filed the present writ petition seeking relief to the extent of denying backwages and attendant benefits.

Heard learned counsel for petitioner and learned Standing Counsel appearing for respondent-Corporation and perused the material on record.

Learned counsel for petitioner would submit that labour Court while reinstating the petitioner, ought to have considered his case for backwages and attendant benefits.

On the other hand, learned Standing Counsel appearing for respondent-Corporation would submit that petitioner had committed a fatal accident and Corporation had already taken a lenient view by reinstating him and he is not entitled for any kind of further consideration.

In view of the facts and circumstances of the case and having considered the rival submissions of both the counsel, this court finds force in the submission of learned Standing Counsel

appearing for respondent-Corporation and there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

Miscellaneous Petitions, if any, pending in this writ Petition shall stand dismissed.

ABHINAND KUMAR SHAVILI, J

16th November, 2018
Mjl/*

