

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.12757 OF 2002

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.211 of 1999 on the file of the 1st respondent-Labour Court and quash the award dated 28.02.2002 insofar as not granting continuity of service, attendant benefits and back wages, holding it as illegal and arbitrary.

Heard Sri G.Ravi Mohan, learned counsel appearing for the petitioner, and learned Standing Counsel appearing for the respondents 2 to 4.

Learned counsel appearing for the petitioner contends that instead of dismissing the I.D. filed by the petitioner, at least the Labour Court ought to have granted continuity of service for the purpose of terminal benefits without monetary benefits, and that pursuant to the order of the appellate authority, 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 dismissed the I.D. preferred by the petitioner confirming the order of the appellate authority 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 the Labour Court ought to have interfered with the order of the appellate authority and granted continuity of service at least 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. No costs.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

10th December, 2018
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(disposed of)

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