

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.25337 OF 2003

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with I.D.No.93 of 1999 on the file of the 1st respondent-Labour Court and to quash the award dated 1.2.2002 passed therein only to the extent of non-granting of continuity of service, back wages, attendant benefits and to the extent of imposing punishment of deferment of two annual increments with cumulative effect.

2. Heard Sri G. Ravi Mohan, learned Counsel for the petitioner and the learned Standing Counsel for the respondent-corporation.

3. It is the case of the petitioner that he was appointed as conductor in the respondent-corporation in the year 1990, and while he was discharging his duties as such, in the year 1997, check was conducted and it was alleged that the petitioner indulged in cash and ticket irregularities. The respondent-Corporation construed the said allegation as misconduct and initiated disciplinary proceedings against him, and for the proven misconduct in the enquiry, the disciplinary authority terminated the services of the petitioner from 9.10.1997. Challenging the same, the petitioner unsuccessfully preferred

appeal and review, and thereafter, he filed I.D. before the Labour Court. The Labour Court passed the award impugned directing the respondent-Corporation to reinstate the petitioner as fresh conductor. Aggrieved by the same, the petitioner filed this writ petition.

4. The learned Counsel for the petitioner contended that the Labour Court ought to have granted continuity of service, back wages and other attendant benefits and that the labour Court has erroneously imposed the punishment of deferment of two annual increments with cumulative effect.

5. The learned Standing Counsel for the respondents contended that the Labour Court has already taken a lenient view and reduced the punishment of removal and that the award impugned does not warrant any interference by this Court.

6. This Court having considered the rival submissions made by the parties is of the view that the Labour Court has already taken a lenient view and set aside the termination order and directed to issue fresh appointment to the petitioner by applying proportionality theory. The petitioner could not point out any illegality or irregularity in the order of the Labour Court.

7. The learned Counsel for the petitioner prayed that continuity of service may be granted atleast for the purpose of terminal benefits.

8. In view of the above submission, it is made clear that the services rendered by the petitioner shall be counted only for the purpose of terminal benefits without any monetary benefit. Rest of the award is confirmed.

9. Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

8th October, 2018
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08.10.2018

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