

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.16260 of 2004

ORDER:

This writ petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that this Honourable Court may be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF CERTIORARI calling for the records relating to Award dated 29-3-2004 in I.D.No.24 of 2002 on the file of the Industrial Tribunal-cum-Labour Court, Warangal, which was published vide G.O.Rt.No.745 Labour Employment Training and Factories (Lab-I) Department dt.30-4-2004 passed by the Government of Andhra Pradesh in so far as it relates to denial of continuity of service and back wages to the petitioner as illegal, consequently pass orders directing the respondents to reinstate the petitioner with continuity of service and all back wages and attendant benefits from the date of termination to the date of reinstatement and pass such other order or orders in the circumstances of the case”.

2. Heard the learned Counsel for the petitioner and the learned Standing Counsel for the Respondents-Corporation.

3. It has been contended by the petitioner that while he was working as Conductor he was assigned a duty to conduct the bus bearing No.AP9z 1968 on the route Narsampet to Konaraopeta and back. While he was conducting the bus, a check was exercised after crossing stage No.3, Nallabelly village. The checking officials have made an endorsement on the statistical report that out of 22 passengers 7 passengers are without tickets. The 1st respondent after receipt of report from the checking officials, issued a charge memo. He gave

an explanation to the same. Dissatisfied with the explanation, a charge sheet was issued initiating domestic enquiry. After receipt of enquiry report, the 1st respondent issued show cause notice and after submission of explanation by the petitioner, the petitioner was terminated from his services, vide proceedings dated 21-9-1999. Thereafter, the petitioner has unsuccessfully preferred an appeal, and filed I.D.No.24/2002 under Section 2-A(2) of the Industrial Disputes Act, and the Industrial Tribunal-cum-Labour Court, Warangal, vide orders dated 29.3.2004 was pleased to set aside the orders of removal and directed the respondent to reinstate the petitioner as 'Fresh Conductor' in the time scale and that the Petitioner is not entitled for continuity of service or back wages or attendant benefits.

4. The counsel for the petitioner contends that the petitioner had retired from service during the pendency of this writ petition, and the Labour Court ought to have granted at least continuity of service, for the purpose of terminal benefits, without any monetary benefits.

5. The Standing Counsel appearing for the respondents contends that the Labour Court has rightly passed orders and no illegality or irregularity has been pointed out by the petitioner, so as to interfere with the orders passed by the Labour Court; there are no merits in the writ petition and the same is liable to be dismissed.

6. This Court, having considered the submissions made by the parties, is of the considered view that the Labour Court ought to have granted continuity of service to the petitioner, at least for the purpose of terminal

benefits, without any monetary benefits. This Court feels, ends of justice would be met, if the petitioner is granted continuity of service only for the purpose of terminal benefits, without any monetary benefits.

7. Accordingly, the writ petition is disposed of, modifying the Award passed by the Labour Court, granting the petitioner continuity of service only for the purpose of terminal benefits, without any monetary benefits. The rest of the Award passed by the Labour Court is confirmed. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 11.12.2018

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