

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI**WRIT PETITION No.14242 OF 2004****ORDER:**

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with the I.D.No.37 of 2001 on the file of the 1st respondent-Labour Court; to quash the award dated 22.11.2002 passed therein to the extent of denying continuity of service, attendant benefits and back wages, and consequently, to direct the respondent-Corporation to grant continuity of service, attendant benefits and back wages.

2. Heard Sri G. Ravi Mohan, learned Counsel for the petitioner and the learned Government Pleader for Labour.

3. The brief facts of the case are that the petitioner was appointed as conductor in the year 1997 and while he was conducting the bus in the month of April, 1999, a check was conducted, and it was alleged that she indulged in ticket and cash irregularities. The disciplinary authority after conducting enquiry removed the petitioner from service by proceedings dated 17.8.1999 and thereafter, the petitioner unsuccessfully preferred an appeal and review, and later, she filed I.D.No.37 of 2001 under Section 2-A(2) of the Industrial Disputes Act. The Labour Court set aside the order of removal and directed the

respondent-Corporation to take the petitioner as fresher. However, the Labour Court observed that the petitioner shall not be entitled for any benefits on account of her past service viz., she is not entitled for back wages and attendant benefits. Aggrieved by the denial of back wages, continuity of service and other attendant benefits, the petitioner filed this writ petition.

4. The learned Counsel for the petitioner submitted that during the pendency of this writ petition, the petitioner retired from service on attaining the age of superannuation and ends of justice would be met if the award passed by the labour Court is modified to the limited extent of granting continuity of service for the purpose of pensionary benefits as it failed to exercise its power under Section 11-A of the Act.

5. The learned Standing Counsel for the respondent-Corporation contended that the labour Court has rightly passed the award ordering reinstatement of the petitioner into service as fresh conductor, as such, no further interference with the impugned award is called for and the writ petition is liable to be dismissed.

6. This Court having considered the rival submissions of both the parties, is of the view that the Labour Court has given a finding that the order of the removal is bad, as the petitioner

was imposed with punishment of removal from service without following the principles of natural justice. In pursuance of the award of the Labour Court, the petitioner was appointed as fresh conductor. In all probability, the Labour Court, atleast, ought to have granted continuity of service. Hence, this Court feels that ends of justice would be met if the writ petition is disposed of directing the respondent-Corporation to grant continuity of service to the petitioner only for the purpose of pension/terminal/retirement benefits, within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ petition is disposed of directing the respondent-Corporation to grant continuity of service to the petitioner only for the purpose of pension/terminal/retirement benefits, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, miscellaneous petitions pending of any shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated:23rd October, 2018.
Nn.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14242 OF 2004



23/10/2018

Nn.