

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.12219 of 2004

ORDER:

This writ petition is filed seeking the following relief:

“For the reasons set-out in the accompanying Affidavit, it is prayed that this Hon’ble Court may be pleased to call for the records from the 1st respondent and issue an appropriate Writ, Order or Direction, particularly one in the nature of Writ of Certiorari, and quash the Award passed in I.D.No.56 of 2001, dated 13-6-2002, published on 20-8-2002 in so far as denying the back wages and attendant benefits as illegal, unjust, contrary to law and perverse, and grant all consequential benefits, and pass such other order or orders as deemed fit and proper under the circumstances of the case”.

Heard Sri A.K.Jayaprakash Rao, the learned counsel for the petitioner and Sri P.Durga Prasad, the learned Standing Counsel for the Respondent-Corporation.

It has been contended by the petitioner that he joined the service of the 2nd respondent corporation as conductor in the year 1993 and he was removed by the 2nd respondent, by order dated 26-2-2001. He was issued a Charge Sheet alleging that he has unauthorisedly absented for his duty from 21-4-2000 to 24-5-2000 without any intimation or permission or sanction of leave. He submitted his explanation. He submits that after reporting for duty, he submitted leave letter along with Medical Certificate and thereafter, he was taken back into service and discharging his duties. He was issued a show cause notice dated 16-2-2001, for which he has submitted explanation.

But the 2nd respondent, without considering the same, mechanically, passed the order of removal. Thereafter, the petitioner filed I.D.No. 56 of 2001, dated 13-6-2002 under Section 2-A(2) of the Industrial Disputes Act, and the Labour Court was pleased to set aside the orders of removal; directing the respondent to reinstate the petitioner into service with continuity of service, but without back wages and attendant benefits.

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.

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 Tribunal; there are no merits in the writ petition and the same is liable to be dismissed.

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.

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: 3-12-2018

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