

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 1883 of 2002

ORDER:

This writ petition is filed by petitioner corporation under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records relating to and connected with I.D.No.44 of 1995 on the file of the Labour Court, Godavarikhani, Karimnagar District and quash the order dated 05.06.2000 passed therein.

2. Heard Sri A. Ravi Babu, learned standing counsel for petitioner corporation, and Sri A. Jagan, learned counsel for 1st respondent.

3. It has been contended by the petitioner corporation that the 1st respondent was appointed as a daily wage conductor in the corporation during the year 1990 and, thereafter, his services were regularized in the year 1994. While the 1st respondent was conducting a bus on 23.03.1995, a check was conducted by the officials of the corporation and it was noticed that the 1st respondent had indulged in cash and ticket irregularities. The conduct of the 1st respondent was construed as misconduct and the corporation had initiated disciplinary proceedings and after conducting a regular enquiry, a major punishment of removal from service was imposed on the 1st respondent vide proceedings dated 21.06.1995. Challenging the orders of removal, the 1st respondent filed I.D.No.44 of 1995 before the Labour Court, Godavarikhani, Karimnagar District. The Labour Court passed an award dated 05.06.2000 directing the corporation to

reinstate the 1st respondent into service with 50% back wages and with continuity of service. Questioning the said award, the present writ petition is filed.

4. Consequent upon the award passed by the Labour Court, the 1st respondent was reinstated into service and during pendency of the writ petition, he died on 09.06.2007 and his legal representatives were brought on record as respondent Nos.3 to 5 vide orders dated 01.10.2015 in WPMP No.29603 of 2015.

5. Learned standing counsel for the petitioner corporation has contended that since the 1st respondent has indulged in grave irregularities, the Labour Court ought not to have ordered reinstatement and granted continuity of service with 50% back wages.

6. This Court after hearing the submissions of the petitioner corporation is of the considered view that consequent upon the award passed by the Labour Court, the 1st respondent was reinstated into service. So, the only issue is whether the 1st respondent is entitled for continuity of service with 50% back wages. During pendency of the writ petition, the 1st respondent had expired on 09.06.2007. As the orders of removal of the 1st respondent was set aside and the petitioner corporation had complied with the orders of reinstatement into service, the question of adjudicating in respect of 50% back wages at this stage would not arise. Therefore, the writ petition is devoid of merits and the same is accordingly dismissed.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

22nd June, 2018
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WRIT PETITION No.1883 of 2002
(dismissed)

22nd June, 2018

cbs

