

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6350 OF 2004

ORDER

This writ petition is filed seeking the following relief:

“...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 by the 1st respondent in I.D.No.85 of 2002, dated 3.1.2003 in so far as denying the back wages and other benefits & ordering only payment of subsistence allowance, as illegal, unjust, contrary to law and perverse and grant all consequential benefits and pass such further order or orders just and necessary in the circumstances of the case.”

It is the case of the petitioner that initially, he was appointed as Conductor in the year 1969 and he was discharging his duties as such. While so, he was removed from service on 11.3.2002 for proven misconduct in the enquiry. Challenging the removal order, he approached the Industrial Tribunal-cum-Labour Court, Godavarikhani, by filing I.D.No.85 of 2002. The Labour Court passed Award on 3.1.2003. The operative portion of the Award reads as under:

“Heard both sides.

Petitioner belongs to Asifabad Depot, Charge sheet was issued by Depot Manager, Adilabad, and he removed the petitioner. Therefore, the enquiry is invalid.

Removal of the petitioner is also invalid. Superior to the Depot Manager, Asifabad has to issue charge sheet and enquiry has to be conducted by an

officer not below the rank of Depot Manager, Asifabad. The petitioner shall be given subsistence allowance from the date of filing this petition till 31st January, 2003.”

In pursuance of the said Award, he was reinstated into service on 24.1.2003 and thereafter, he had attained the age of superannuation on 31.1.2003.

The grievance of the petitioner is that though he has rendered more than 30 years of service, the respondent-Corporation has not extended continuity of service and back wages.

Learned counsel appearing for the petitioner submits that appropriate orders be passed directing the respondent-Corporation atleast to grant continuity of service for the purpose of terminal benefits.

Learned Standing Counsel appearing for the respondent-Corporation contends that the case of the petitioner will be examined and appropriate orders will be passed in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the Labour Court erred in not passing any orders as to whether the petitioner is entitled for continuity of service, back wages and attendant benefits. In the absence of any specific finding, ends of justice would be met if a direction is

given to the respondent-Corporation to grant continuity of service for the purpose of terminal benefits taking into consideration 30 years of service rendered by the petitioner.

Accordingly, the Writ Petition is disposed of directing the respondent-Corporation to extend continuity of service to the petitioner for the purpose of terminal benefits only. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

27th December, 2018
rkk

JUSTICE ABHINAND KUMAR SHAVILI

