

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 8756 OF 2004

ORDER :

This Writ Petition is filed seeking to issue a Writ of Mandamus to call for the records relating to and connected with the orders passed by the Industrial Tribunal-cum-Labour Court, Anantapur, in I.D.No.321 of 2000, dated 3.7.2002 and quash or set aside to the extent of denying continuity of service and back wages as arbitrary and illegal.

Heard Sri M.Laxman, learned counsel for the petitioner and Sri A.Rama Rao, Standing Counsel for the respondents.

It has been contended by the petitioner that he was initially appointed as Conductor and while he was discharging his duties during December, 1999, the petitioner has remained absent on his own due to ill health and domestic problems. The respondents construed the same as misconduct and the disciplinary authority had initiated disciplinary proceedings and after conducting a detailed enquiry, the petitioner was removed from service for proven misconduct, vide orders dated 15.5.2000. Thereafter, the petitioner has unsuccessfully preferred an appeal, and I.D.No.321 of 2000 under Section 2-A(2) of the Industrial Disputes Act, and the Labour Court was pleased to set aside the orders of termination. However, the respondent/s is/are directed to take the petitioner as a fresh conductor and he is not entitled to any monetary or

service benefits of his previous service. Challenging the same, the present Writ Petition is filed.

The learned Counsel for the petitioner contends that the Labour Court ought to have granted at least continuity of service and back wages and therefore, contended that the orders may be passed directing the respondent/s to pay back wages and continuity of service.

The Standing Counsel for the respondents contends that the Labour Court has rightly passed orders denying continuity of service and back wages and there are no merits in the Writ Petition and the same is liable to be dismissed.

This Court, having considered the rival contentions made by the parties, is of the considered view that the Labour Court has rightly passed orders denying back wages and continuity of service to the petitioner and the petitioner could not point out any grave irregularity or illegality with the orders passed by the Labour Court. There are no merits in the Writ Petition and the Writ Petition is accordingly dismissed.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

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ABHINAND KUMAR SHAVILI,J

28<sup>th</sup> November, 2018