

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 10114 of 2002

O R D E R:

This writ petition is filed seeking to issue a writ of *Certiorari* calling for records pertaining to the Award dated 08.12.2000 passed in ID No.96/1998 on the file of respondent No.1, and quash the same as illegal and arbitrary.

It is the case of the petitioner that he was appointed as Conductor Grade-II on 09.05.1979 in respondent-APSRTC and posted to work at Kavali Depot. Respondent authorities issued a charge sheet dated 09.04.1997 to the petitioner alleging that on 19.3.1997 while he was conducting the bus plying from Atmakur to Hyderabad, the checking officials checked the bus at Mallepalli and found certain cash and ticket irregularities. He submitted his explanation dated 09.04.1997 to the charge sheet dated 29.03.1997. However, respondent authorities conducted an enquiry and thereafter, suspended the petitioner from service on 30.07.1997. The petitioner being unsuccessful in the appeal and in the review preferred before respondent authorities, preferred ID No.96 of 1998 before respondent No.1 questioning the order

of removal dated 30.07.1997. Respondent No.1-Labour Court while allowing the ID reinstated the petitioner without backwages and without continuity of service. Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for petitioner and learned Standing Counsel appearing for respondents-APSRTC.

Learned counsel for petitioner would submit that the labour court while reinstating the petitioner ought to have granted backwages and continuity of service for the purpose of terminal benefits by considering the fact that he did not commit any grave irregularity. Further, during pendency of the writ petition, on attaining the age of superannuation, the petitioner retired from service.

Learned Standing Counsel appearing for respondent-APSRTC contends that after following due process of law and after conducting a regular enquiry, the petitioner was removed from service` and that the order impugned requires no interference of this Court under Article 226 of the Constitution of India.

Having considered the rival contentions of both the counsel, this court is of the considered view that ends of justice would be met if a direction is given to the respondent authorities to extend the benefit of continuity of service to the petitioner only for the purpose of terminal benefits.

With the above observation, the writ petition is disposed of. No costs. Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

08th November, 2018
Mjl/*

