

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.16340 of 2010

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the Award dated 2.6.2009 passed in I.D.No.20 of 2008 by the Labour Court-III, Hyderabad, and to quash or set aside the same by holding it as arbitrary and illegal.

Heard Sri S.M.Subhan, learned counsel appearing for the petitioner and Sri B.Mayur Reddy, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that in the year 1986, he was appointed as Conductor in the respondent-Corporation and since then, he was discharging his duties as such. While so, on the charge of un-authorized absenteeism, he was removed from service on 17.8.2006. Challenging the same, he preferred appeal and review and the same were rejected. Aggrieved by the same, he raised I.D.No.20 of 2008 before the Labour Court-III, Hyderabad. The Labour Court *vide* order dated 2.6.2009 set aside the removal order and directed the Corporation to reinstate the petitioner into service afresh, denied all other reliefs. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contends that Labour Court ought to exercised its power under Section 11-A of the Act, and granted continuity of service for the purpose of terminal benefits, without any monetary benefits.

Learned Standing Counsel appearing for the Corporation contends that the Labour Court has rightly passed the Award and when no illegality or irregularity has been pointed out by the petitioner, this Court cannot interfere with the same.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the Labour Court ought to granted continuity of service for the purpose of terminal benefits without any monetary benefits. Therefore, ends of justice would be met if the petitioner is granted continuity of service for the purpose of terminal benefits.

Accordingly, the Writ Petition is disposed of. The respondent-Corporation is directed to treat the reinstatement of the petitioner into service with continuity of service for the purpose of terminal benefits, without monetary benefits. In all other aspects, the Award passed by the Labour Court, is confirmed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

26th October, 2018
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