

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 3928 OF 2007

ORDER :

This writ petition is filed seeking a writ of certiorari to call for the records related to and connected with the orders passed in I.D.No.175 of 1999 dated 2.7.2001 on the file of Labour Court-III, Hyderabad and quash the same in so far denying the continuity of service and all other attendant benefits including full back wages as illegal and arbitrary.

2. Heard Sri P.Govinda Rajulu, the counsel for the petitioner and Sri A.Ravi Babu, Standing Counsel for T.S.R.T.C.

3. It has been contended by the petitioner that he was initially appointed as a Conductor and while he was discharging his duties, on 13.12.1998, a charge sheet was issued to him, alleging that he had indulged in cash and ticketing irregularities, and the disciplinary authority has construed the same as a misconduct and initiated disciplinary proceedings, and after conducting detailed enquiry and for the proven misconduct, the petitioner was removed from service, vide orders dated 12-03-1999, challenging the same, the petitioner filed I.D.No.175/1999 under Section 2-A(2) of the Industrial Disputes Act, and the Labour Court-III was pleased to set aside the orders of removal and the petitioner deserves to be appointed as a fresh Conductor; however, while granting relief, has erroneously denied back wages and continuity of service.

4. The counsel for the petitioner contends that the Labour Court-III ought to have granted at least continuity of service, without any monetary benefits.

5. The Standing Counsel appearing for the respondents contends that the Labour Court-III has rightly passed orders and no illegality or irregularity has been pointed out by the petitioner, so as to interfere with the orders passed by the

Tribunal; there are no merits in the writ petition and the same is liable to be dismissed.

6. This Court, having considered the submissions made by the parties, is of the considered view that the Labour Court-III ought to have granted continuity of service to the petitioner, without any monetary benefits. This Court feels, ends of justice would be met, if the petitioner is granted continuity of service without any monetary benefits.

7. Accordingly, the writ petition is disposed of, modifying the Award passed by the Labour Court-III, granting the petitioner continuity of service without any monetary benefits. The rest of the Award passed by the Labour Court-III is confirmed. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 23.11.2018

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