

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.885 of 2008

ORDER:

This writ petition is filed seeking the following relief:

“To issue an order or direction more particularly one in the nature of Writ of certiorari and after calling for the records in I.D.No.97 of 2006 on the file of the 1st respondent and quash the award dated 6.6.2007 insofar as denying the continuity of service, back wages and attendant benefits as illegal, arbitrary and unjust, and consequently, to grant continuity of service, back wages and attendant benefits to the petitioner and pass such other order or orders as this Hon'ble Court may deems fit and proper under the circumstances of the case.”

2. Heard Sri G. Ravi Mohan, learned Counsel for the petitioner and Sri B. Mayur Reddy, learned Standing Counsel for the respondent-Corporation.

3. It has been contended by the petitioner that he was appointed as conductor in the year 1978 in the respondent Corporation. While so, he met with an accident on 16.10.2002 and sustained grievous injuries and due to severe pain, he was unable to move and therefore, he could not attend duty and that the respondent-Corporation construed the said absence as misconduct and after conducting a regular departmental enquiry, the disciplinary authority imposed punishment of removal from service on the petitioner for the proven misconduct vide proceedings dated 5.7.2003. Aggrieved by the

same, the petitioner preferred I.D.No.97 of 2006 on the file of the 1st respondent- Labour Court. The 1st respondent, vide orders dated 6.6.2007 set aside the order of removal and directed that the petitioner be reinstated into service as a fresh conductor, but without continuity of service, back wages and other attendant benefits. Challenging the same, the present writ petition is filed.

4. It has been contended by the learned Counsel for the petitioner that when once the 1st respondent interfered with the punishment of removal, it ought to have granted continuity of service for the purpose of terminal benefits.

5. Learned Standing Counsel appearing for the respondent Corporation contended that the disciplinary authority rightly imposed the punishment of removal on the petitioner for the proven misconduct in the enquiry and the 1st respondent rightly passed order directing reinstatement of the petitioner into service afresh, without any other benefits and that no illegality has been committed by the respondents and hence, the writ petition is liable to be dismissed.

6. This Court having considered the submissions made by both the parties is of the considered view that the 1st respondent ought to have granted continuity of service for the purpose of terminal benefits without any monetary benefits.

7. Accordingly, the Writ Petition is disposed of directing the respondent corporation to extend continuity of service to the petitioner only for the purpose of terminal benefits without any monetary benefits. The rest of the award is confirmed. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 13/11/2018

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