

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 24981 of 2003

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.261 of 1999 on the file of the 1st respondent-Labour Court and quash the award dated 18.12.2001 passed therein, holding it as illegal and arbitrary. A consequential direction is also sought to the respondents to grant continuity of service, back wages and all other attendant benefits.

Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the 2nd respondent.

Learned counsel appearing for the petitioner contends that while setting aside the order of removal, the Labour Court ought to have granted continuity of service for the purpose of terminal benefits without monetary benefits, but it denied the consequential reliefs; and that pursuant to the order of the Labour Court, the petitioner was reinstated into service and he had retired from service on attaining the age of superannuation.

Learned Standing Counsel appearing for the 2nd respondent-Corporation contends that the Labour Court has rightly passed the impugned order and no interference is called for from this Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the

Labour Court ought to have granted continuity of service at least for the purpose of terminal benefits, without monetary benefits.

Accordingly, the Writ Petition is disposed of directing the respondent-Corporation 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 rest of the order is confirmed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

6th November, 2018
cbs

ABHINAND KUMAR SHAVILI, J



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(disposed of)

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