

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 33320 OF 2010

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.77 of 2007, dated 20.06.2008 passed by the Industrial Tribunal-cum-Labour Court, Anantapur and quash the same, holding it as arbitrary, illegal, in so far as denying the continuity of service and back wages.

2. Heard Sri S.D.Gowd, the counsel for the petitioner and Mr.Aravala Rama Rao, Standing Counsel for the Respondent-Corporation.

3. It has been contended by the petitioner that he was initially appointed as Shramik in the year 2007 on compassionate grounds, while he was discharging his duties in the last week of October, 2004, he suffered with brain fever and apart from that his mother also fell sick. Hence he could not attend duties. A Charge Sheet dated 22.11.2004 was sent through RPAD to some other address though his address was much available in the P.Case, for having absented from duties from 25.10.2004 to till date unauthorisedly, which constitutes misconduct under Reg. 28(xxvii) of APSRTC Employees (conduct) Reg. 1963” and for having left the headquarters without obtaining permission/intimation from the concerned supervisors, which is a misconduct under Reg-5 of APSRTC Employees (conduct) Reg. 1963 and thereafter an ex-parte enquiry was conducted and finally he was removed from service on 31.12.2004. Thereafter, the petitioner has unsuccessfully preferred an appeal and review, and filed I.D.No.77 of 2007 under Section 2-A(2) of the Industrial Disputes Act, and the Industrial Tribunal-cum-Labour Court was pleased to appoint the petitioner as Shramik afresh, however,

while granting relief, has erroneously denied back wages and continuity of service.

4. The counsel for the petitioner contends that the Industrial Tribunal-cum-Labour Court ought to have granted at least continuity of service and back wages.

5. The Standing Counsel appearing for the respondent-corporation contends that the Industrial Tribunal-cum-Labour Court 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 Industrial Tribunal-cum-Labour Court; 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 Industrial Tribunal-cum-Labour Court ought to have granted continuity of service to the petitioner, without any monetary benefits. This Court feels that 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 Industrial Tribunal-cum-Labour Court, granting the petitioner continuity of service. The rest of the Award passed by the Industrial Tribunal-cum-Labour Court is confirmed. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

20th November, 2018

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