

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.13850 OF 2004

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ or order or direction, especially one in the nature of Writ of Certiorari

(i) calling for the records pertains to ID No.176/2001, dated 21.2.2004 passed by the Labour Court-II, Hyderabad and hold that depriving the back wages, continuity of service and all other attendant benefits, while reinstating the petitioner into service as illegal and improper.

(ii) consequently, direct respondent Nos.1 & 2 to treat the reinstatement of the petitioner into service with full back wages, continuity of service and also grant notional increments; and

(iii) pass any such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri K.Vasudeva Reddy, learned counsel appearing for the petitioner, and Sri V.T.M.Prasad, learned Standing Counsel appearing for the respondent-Corporation and learned Government Pleader appearing for respondent No.3.

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.

Learned Standing Counsel appearing for the respondent-Corporation contends that the Labour Court has

rightly passed the Award 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 atleast 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.

JUSTICE ABHINAND KUMAR SHAVILI

11th December, 2018
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