

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25097 OF 2004

ORDER:

This writ petition is filed seeking a writ of certiorari to call for the records related to and connected with the orders, dated 22.02.2003, passed in I.D.No.69 of 2000, by the Chairman - cum - Presiding Officer, Industrial Tribunal - cum - Labour Court, Anantapur, and quash or set aside the same, holding it as arbitrary, illegal, only to the extent of denying back wages, continuity of service and other attendant benefits.

2. Heard Sri S. Surendra Kumar, the counsel for the petitioner, Sri P. Vinayaka Swamy, learned standing counsel for respondent No.1 - Corporation, and learned Government Pleader for Labour appearing for respondent No.2.

3. It has been contended by the learned counsel for the petitioner that the petitioner was initially appointed as a Conductor on 16.05.1978, and while he was discharging his duties as such, during September, 1999, it has been alleged that the petitioner failed to collect fare and issue tickets to three passengers who boarded at Olepalle and bound for Darsinamala, and the disciplinary authority has considered the same as misconduct and initiated disciplinary proceedings, and after conducting detailed enquiry and for the proven misconduct, the petitioner was removed from service, vide orders dated 29.12.1999. He also filed appeal and review, which were also

rejected. Aggrieved by the order of removal, the petitioner filed I.D.No.69 of 2000 under Section 2-A (2) of the Industrial Disputes Act, 1947, before respondent No.2, and respondent No.2 was pleased to set aside the orders of removal, however, while granting the relief, has erroneously denied back wages and continuity of service and also attendant benefits.

4. The learned counsel for the petitioner would contend that the petitioner had retired from service during the pendency of this writ petition, and the Industrial Tribunal ought to have granted at least continuity of service, for the purpose of terminal benefits, without any monetary benefits.

5. The learned standing counsel appearing for respondent No.1 contends that respondent No.2 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 respondent No.2; and that 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 both sides, is of the considered view that respondent No.2 ought to have granted continuity of service to the petitioner, at least for the purpose of terminal benefits, without any monetary benefits. This Court feels that ends of justice would be met if the petitioner is granted continuity of service only for the purpose of terminal benefits without any monetary benefits.

7. The present Writ Petition is disposed of, granting the petitioner continuity of service only for the purpose of terminal benefits without any monetary benefits. The rest of the Award passed by respondent No.2 is confirmed. However, in the circumstances of the case, there shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present writ petition stand closed.

December 15, 2018
Mgr

ABHINAND KUMAR SHAVILI, J

