

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.18597 OF 2005

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking to issue writ of Certiorari calling for the records connected to I.D.No.69 of 2001, dated 23.12.2003 passed by the Industrial Tribunal-cum- Labour Court, Hyderabad, insofar as denying the continuity of service, attendant benefits and back wages to the petitioner as illegal, arbitrary and consequently to grant the said benefits.

2. Heard Sri G.Ravi Mohan, learned counsel for petitioner and Sri A.Rama Rao, learned standing counsel for the 2nd respondent.

3. It is the case of the petitioner that he was appointed as conductor on 06.12.1978 and discharged his duties to the satisfaction of his superiors. While so, on 26.08.1999, since the petitioner fell sick, he sent leave letter to the respondent-corporation authorities for grant of leave from 26.08.1999 to 17.11.1999. After recovery from ill health, the petitioner reported for duties with fitness certificate, but the respondent-corporation without considering the same, framed charges and after conducting enquiry, the petitioner was removed from service, vide proceedings, dated 20.04.2000. Thereafter, the petitioner was unsuccessful in the appeal and review. Thereafter, he filed I.D.No.69 of 2001 and the Industrial Tribunal, vide orders, dated 23.12.2003 was pleased to set aside the order of removal. However, while granting the relief, the Industrial Tribunal directed that the petitioner be reinstated into service. But, denied the continuity of service, attendant

benefits and back wages. Challenging the same, the present writ petition is filed.

4. It has been contended by the learned counsel for the petitioner that the Labour Court ought to have exercised its power under Section 11-A of the Industrial Disputes Act, 1947 and at least granted continuity of service for the purpose of terminal benefits.

5. Learned standing counsel for the respondent contended that the Labour Court had rightly passed the orders and no further interference is called for and the charges levelled against the petitioner are serious and grave and no leniency can be shown to the petitioner. There are no merits and the writ petition is liable to be dismissed.

6. This Court having considered the rival contentions made by both parties, is of the considered view that the Labour Court ought to have at least granted the benefits for the purpose of terminal benefits. Therefore, this Court feels that ends of justice would be met if the petitioner is allowed to count the earlier service rendered by him for the purpose of terminal benefits. However, rest of the award is confirmed.

7. With the above observation, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

DATED:12-10-2018

Hsd