

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVIL

W.P.NO.17028 OF 2004

ORDER

The petitioner was working as Conductor in the respondent – Corporation. While he was conducting the bus on 21-04-1989, a check was conducted and he was found to have committed cash and ticket irregularities. After framing charge, conducting inquiry and considering the explanation of the petitioner to the final show cause notice, he was removed from service. Challenging the same, he raised I.D.No.252/1991 on the file of Chairman Industrial Tribunal – cum – Labour Court, Godavarikhani. The Tribunal, vide award dated 27-02-1003, confirming the finding of the inquiry officer with regard to guilt, held that punishment of removal was disproportionate to the proved misconduct, and accordingly ordered for reinstatement of the petitioner into service as a fresh candidate without any back wages and without any attendant benefits. Aggrieved by the denial of back wages and other attendant benefits, the present writ petition has been filed.

Learned counsel for the petitioner submitted that this court, in identical set of facts and circumstances, disposed of W.P.No.13850 of 2004 dated 11-12-2018, directing the Corporation to treat the reinstatement of the petitioner therein into service with continuity of service for the purpose of terminal benefits, but without any monetary benefits, and in all other aspects, the order of the Tribunal was confirmed. He submits that similar order may be passed in the present writ petition.

No representation for the respondents.

Since, the writ petition is of the year 2004 and has undergone several adjournments, and this court has disposed of a writ petition with identical set of facts and circumstances, I am inclined to dispose of the writ petition.

Having regard to the facts and circumstances of the case and the order of this court in W.P.No.13850 of 2004 dated 11-12-2018 and for the reasons a like, the present writ petition is disposed of with a direction to the Corporation to treat the reinstatement of the petitioner into service with continuity of service for the purpose of terminal benefits, but without any monetary benefits. In all other aspects, the award of the Tribunal is confirmed.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

DATE: 11—12—2018

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ABHINAND KUMAR SHAVIL, J