

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17663 of 2011

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with the award dated 13.3.2006 in I.D.No.48 of 2004 on the file of the 2nd respondent and to quash the same by holding it as arbitrary and illegal, and to grant reinstatement with all consequential benefits to the petitioner.

2. Heard Sri V.Narsimha Goud, learned Counsel for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel for the respondent Corporation.

3. It has been submitted by the learned Counsel for the petitioner that he was appointed as Security Guard in the year 1986 and while he was discharging his duties, the respondent - Corporation issued charge sheet on 16.1.2002 alleging that the petitioner was negligent and careless in discharging his duties and caused heavy loss to the Corporation, for which, the petitioner gave his explanation, and being not satisfied with the same, a detailed enquiry was conducted, and the petitioner was removed for the

proven misconduct in the departmental enquiry, vide proceedings dated 20.9.2002 by the respondent corporation. Aggrieved by the removal order, the petitioner preferred appeal before the appellate authority, and the appellate authority rejected the appeal and challenging the same, the petitioner preferred I.D.No.48 of 2004 before the 2nd respondent-Labour Court under Section 2-A(2) of the Industrial Disputes Act and the said I.D. was dismissed. Hence, the petitioner filed this writ petition.

4. Learned Counsel for the petitioner as well as learned Standing Counsel for the respondent-Corporation submits that similar issue arose in WP.No.19950 of 2003 and this Court vide orders dated 3.8.2018 disposed of the said writ petition setting aside the order of removal of the petitioner therein and modifying the award of the Labour Court to the effect that the petitioner be reinstated into service as a fresh entrant without any back wages, continuity of service and other attendant benefits.

6. Accordingly, this Writ Petition is disposed of setting aside the order of removal of the petitioner dated 20.9.2002 and modifying the award of the Labour Court to the effect that petitioner be reinstated into service as a fresh entrant without any back wages, continuity of service and other attendant benefits. No costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 06/11/2018

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