

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 9903 OF 2004

ORDER :

When the matter is taken up for hearing, none appeared for the petitioner, in spite of fact that the Writ Petition is listed under the caption “for dismissal”. A perusal of the record discloses that the petitioner is seeking Writ of Mandamus to declare the action of the 1st respondent in not forwarding his pension and GPF application forms to the 2nd respondent for granting pension and for making payment of GPF amount and in withholding the petitioner's retirement benefits like gratuity etc., as arbitrary and illegal and a consequential direction is sought to pay the retiral benefits including gratuity.

2. A perusal of the record discloses that this Hon'ble Court was pleased to grant interim directions directing the respondents to consider the case of the petitioner with regard to the terminal benefits, if he is otherwise eligible, vide orders dated 22.06.2004.

3. This Hon'ble Court further pleased to pass orders in WPMP No.12603 of 2004, dated 27.08.2004 when the interim orders granted earlier on 22.6.2004 were not complied with. This Hon'ble Court directed the respondents to consider the case of the petitioner for payment of the terminal benefits if he is otherwise eligible and pass appropriate orders within two weeks from the date of receipt of a copy of this order, if not already considered.

4. This Court, having considered the above said facts, is of the considered view that in view of the interim orders, no further orders are necessary.

5. Accordingly, Writ Petition is dismissed.
6. Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

30th November, 2018

GS.



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 8756 OF 2004

ORDER :

This Writ Petition is filed seeking to issue a Writ of Mandamus to call for the records relating to and connected with the orders passed by the Industrial Tribunal-cum-Labour Court, Anantapur, in I.D.No.321 of 2000, dated 3.7.2002 and quash or set aside to the extent of denying continuity of service and back wages as arbitrary and illegal.

2. Heard Sri M.Laxman, learned counsel for the petitioner and Sri A.Rama Rao, Standing Counsel for the respondents.

3. It has been contended by the petitioner that he was initially appointed as Conductor and while he was discharging his duties during December, 1999, the petitioner has remain absent on his own due to ill health and domestic problems. The respondents construed the same as misconduct and the disciplinary authority had initiated disciplinary proceedings and after conducting a detailed enquiry, the petitioner was removed from service for proven misconduct, vide orders dated 15.5.2000. Thereafter, the petitioner has unsuccessfully preferred an appeal, and I.D.No.321 of 2000 under Section 2-A(2) of the Industrial Disputes Act, and the Labour Court was pleased to set aside the orders termination. However, the respondent is directed to take the petitioner as a fresh conductor and he is not entitled to any monetary or service

benefits of his previous service. Challenging the same, the present Writ Petition is filed.

The learned Counsel for the petitioner contends that the Labour Court ought to have granted at least continuity of service and back wages and therefore contended that the orders may be passed directing the respondents to pay back wages and continuity of service.

The Standing Counsel for the respondents contends that the Labour Court has rightly passed orders denying continuity of service and back wages and there are no merits in the Writ Petition and the same is liable to be dismissed.

This Court having considered the rival contentions made by the parties, is of the view that the Labour Court has rightly passed orders denying back wages and continuity of service to the petitioner and the petitioner could not pointed out any grave irregularity or illegality with the orders passed by the Labour Court. There are no merits in the Writ Petition and the Writ Petition is accordingly dismissed.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

28th November, 2018

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Same order in WP 8760 of 2004



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.8498 of 2004

ORDER:

When the matter is taken up for hearing, learned Standing Counsel for respondents has submitted that this writ petition was disposed of along with W.P.No.8664 of 1998 and batch, vide orders dated 27.08.2004, but in the present writ petition, they have filed certain miscellaneous petitions vide WPMP.No.20760 of 2006, WPMP(SR). No.85422 of 2006, WPMP.Nos.8492 and 27653 of 2005, seeking to extend the time for implementing the directions of this Court in the orders dated 27.08.2004. The learned Standing Counsel further contend that he is not insisting for any orders in the above mentioned miscellaneous petitions and those petitions have become infructuous.

This Court, having considered the above submission of the learned Standing Counsel, is of the considered view that this writ petition can be disposed of in terms of the orders passed in W.P.No.8664 of 1998 and batch, dated 27.08.2004.

In view of the same, this writ petition is disposed of in terms of the orders dated 27.08.2004 in W.P.No.8664 of 1998 and batch. Consequently, the miscellaneous petitions in this writ petition shall stand automatically closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

30th December 2018
GS

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 9903 OF 2004

ORDER :

When the matter is taken up for hearing, none appeared for the petitioner in spite of fact that the Writ Petition is listed under the caption for dismissal. A perusal of the record discloses that the petitioner is seeking Writ of Mandamus to declare the action of the 1st respondent in not granting petitioner's pension and GPF by the 2nd respondent for granting Withholding the petitioner retirement and gratuity as arbitrary and illegal and sought a consequential direction to pay the retiral benefits including gratuity.

2. A perusal of the record discloses that this Hon'ble Court was pleased to grant interim directions directing the respondents to consider the case of the petitioner with regard to terminal benefits, if he is otherwise eligible vide orders dated 22.06.2004.

3. This Hon'ble Court further pleased to pass orders in WPMP No.12603 of 2004, dated 27.08.2004 when the interim orders granted earlier on 22.6.2004 were not complied with. This Hon'ble Court directed the respondents to consider the case of the petitioner for payment, if otherwise eligible and pass appropriate orders within two weeks from the receipt of a copy of this order, if not already considered.

4. This Court having considered the above said facts of the considered view that in view of the interim orders, no further orders are necessary.

5. Accordingly, Writ Petition is dismissed.

6. Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

30th November, 2018

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