

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 20225 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the records related to and connected with the order passed in I.D.No.236/91 on the file of Industrial Tribunal-cum-Labour, Gadavarikhani and quash the award in I.D.No.236/91 dated 06.07.1992 and sought for a consequential direction to respondent-Deport Manager to grant continuity of service, back wages and all other attendant benefits.

Heard Smt.K.Udaya Sri, learned counsel for the petitioner and Sri A.Ravi Babu, learned Standing counsel for respondents.

It has been contended by the petitioner that he was initially appointed as a conductor in the year 1988. While he was discharging his duties on 19.03.1989, it was alleged by the respondents that petitioner was indulged in cash and ticket irregularities and after conducting detailed enquiry, the disciplinary authority imposed a major punishment of removal for proven misconduct in the enquiry vide order dated 02.08.1989. Questioning the orders of removal, petitioner raised a dispute in I.D.No.236/91 under Section 2-A (2) of the Industrial Disputes Act. The Tribunal vide order dated 11.06.1992 was pleased to set aside the orders of removal and reinstated the petitioner into service but without backwages and other attendant benefits. Challenging the same, the present writ petition is filed.

It has been contended by the learned counsel for the petitioner that the labour Court ought to have granted full backwages with continuity of service and other attendant benefits. Counsel for the petitioner further contends that during the pendency of this writ petition, the petitioner was reinstated into

service and later he was expired on 10.10.2015. Thereafter, legal representatives of the petitioner has been brought on record and contends that atleast the labour Court ought to have granted the relief of continuity of service for the purpose of pension benefits and contends that appropriate orders be passed in this writ petition directing the respondents to pay full backwages with continuity of service and other attendant benefits

Learned Standing counsel for respondents had contended that the labour Court had already granted nominal continuity of service. However, did not grant backwages and other attendant benefits. Labour Court had rightly passed orders in favour of the petitioner and no further interference is called for and writ petition is liable to be dismissed.

This Court, having considered the rival submissions of both the parties, is of the considered view that the labour Court ought to have granted continuity of service for the purpose of pension benefits to the petitioner without monetary benefits. Therefore, to meet the ends of justice, respondents are directed to grant continuity of service for the purpose of pension benefits without any monetary benefits and rest of the award passed by the labour Court is confirmed.

With the above observations, writ petition is disposed of. There shall be no order as to costs.

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

ABHINAND KUMAR SHAVILI, J

29th November, 2018
dv

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.12475 of 2002
(dismissed)

11th September, 2018

cbs

