

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 25536 of 2003

O R D E R:

This writ petition is filed seeking a writ of Certiorari calling for records in Award dated 03.02.2003 passed in ID No.121 of 2001 by respondent No.2 and quash the same as illegal and arbitrary.

It is stated that the petitioner was appointed as a Conductor in respondent -APSRTC on 21.08.1985 and later promoted as Junior Assistant on 02.11.1987. While so, alleging that the respondent authorities found some corrections in salary bills, issued a charge sheet on 24.06.2000 against the petitioner for which he submitted his explanation. Without considering his explanation, a domestic enquiry was conducted and removed the petitioner from service. The petitioner carried the matter before labour Court, which in turn, dismissed the same by impugned order dated 03.02.2003 in ID No.121 of 2001. Hence this writ petition.

Heard learned counsel for petitioner and learned Standing Counsel for respondents-APSRTC and perused the material available on record.

Learned counsel for petitioner submits that the labour court did not consider the evidence in support of petitioner and thereby failed to exercise its powers conferred under Section 11(a) of the Industrial Disputes Act, 1947. Further, the labour court ought to have set aside the order of removal directing the respondent authorities to reinstate the petitioner with all consequential benefits and that the petitioner is at the verge of retirement and hence, the order under challenge requires interference of this Court under Article 226 of the Constitution of India.

Learned Standing Counsel appearing for respondent-APSRTC would contend that the labour court has rightly passed the impugned order and there are no irregularities or illegalities warranting interference of this Court.

In view of the submission made by learned counsel for petitioner that the petitioner is at the verge of retirement, this court is of the opinion that there cannot be any direction to

reinstate the petitioner. However, to meet the ends of justice, the respondent authorities are directed to pay service benefits to the petitioner for the service rendered by him from the date of his appointment till his removal from service, if not paid to him, within a period of four (04) weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No costs.

Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.



ABHINAND KUMAR SHAVILI, J

8th November, 2018
MjI/*