

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.20565 of 2008

ORDER:

This Writ Petition is filed seeking a writ of Certiorari calling for the records relating to order, dated 15.11.2006, in I.D.No.65 of 2004 passed by the Labour Court-II, Hyderabad, and quash or set aside the same holding it as arbitrary and illegal insofar as only not granting full back wages and other attendant benefits and continuity of service.

2. Heard Sri P.Govindarajulu, learned counsel for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel for the respondent-Corporation.

3. It has been contended by the petitioner that he was initially appointed as Driver in the respondent-Corporation in the year 1986 and while he was discharging duties as such, in June, 2002, it was alleged that the petitioner is discharging duties under the influence of alcohol. The said conduct of the petitioner was construed as misconduct and the respondent-Corporation after conducting detailed enquiry for the proven misconduct, had imposed a punishment of removal from service on 16.01.2004. Aggrieved by the same, the petitioner filed I.D.No.65 of 2007 before the Labour Court-II, Hyderabad, under Section 2-A (2) of the Industrial Disputes Act (for short, 'the Act') and the Labour Court vide order, dated 15.11.2006, had set aside the order of removal and directed the respondent-Corporation to reinstate the petitioner into service, without back wages. However, while granting the said relief, the Tribunal had erroneously denied past service, continuity

of service and other attendant benefits. Challenging the same, the present Writ Petition is filed.

4. Learned counsel for the petitioner contended that the Tribunal ought to have exercised the power under Section 11-A of the Act and grant at least continuity of service to the petitioner for the purpose of terminal benefits, without any monetary benefits, as the Labour Court has categorically gave a finding that the charges levelled against the petitioner could not held to be proved.

5. Learned Standing Counsel for the respondent-Corporation had contended that the Labour Court has rightly passed orders and no further interference is called for, more so, no illegality or irregularity has been pointed in the order passed by the Labour Court.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that the Labour Court ought to have granted continuity of service to the petitioner at least for the purpose of pensionary benefits, without any monetary benefits, Therefore, ends of justice would be met if this Writ Petition is disposed of directing the respondent-Corporation to grant continuity of service to the petitioner only for the purpose of retirement benefits, without any monetary benefits.

7. Accordingly, the Writ Petition is disposed of directing the respondent-Corporation to grant continuity of service to the petitioner only for the purpose of retirement benefits, without any monetary benefits. The rest of the Award is confirmed.

Miscellaneous petitions pending if any, shall stand closed.

There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

OCTOBER 24, 2018

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Date:24.10.2018

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