

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25059 OF 2004

ORDER:

This writ petition is filed seeking a writ of certiorari to call for the records related to and connected with the orders, dated 22.03.2004, passed in I.D.No. 20 of 2003, by the Presiding Officer, Labour Court - III, Hyderabad, and quash or set aside the same, holding it as arbitrary, illegal, only to the extent of denying back wages, continuity of service and other attendant benefits.

2. Heard Sri A.K. Jayaprakash Rao, the counsel for the petitioner, learned Government Pleader for Labour appearing for respondent No.1 and Sri V.T.M. Prasad, learned standing counsel appearing for respondent No.2 - Corporation.

3. It has been contended by the learned counsel for the petitioner that the petitioner was initially appointed as a Cleaner in the year 1977 and subsequently he was selected for the post of Conductor in the month of June, 1980 and while he was discharging his duties as such, during September, 1993, it has been alleged that the petitioner remained absent unauthorisedly from duties for the period from 11.09.1993 to 03.12.1993 without any intimation or prior sanction of leave, and the disciplinary authority has considered the same as misconduct and initiated disciplinary proceedings, and after conducting detailed enquiry and for the proven misconduct, the petitioner was removed from service, vide orders dated 31.01.1995.

Aggrieved by the same, the petitioner filed I.D.No.20 of 2003 under Section 2-A (2) of the Industrial Disputes Act, 1947, before respondent No.1, and respondent No.1 was pleased to set aside the orders of removal, however, while granting the relief, has erroneously denied back wages and continuity of service and also attendant benefits.

4. The learned counsel for the petitioner would contend that the petitioner had retired from service during the pendency of this writ petition, and the Industrial Tribunal ought to have granted at least continuity of service, for the purpose of terminal benefits, without any monetary benefits.

5. The learned standing counsel appearing for respondent No.2 contends that respondent No.1 has rightly passed orders and no illegality or irregularity has been pointed out by the petitioner, so as to interfere with the orders passed by respondent No.1; and that there are no merits in the writ petition and the same is liable to be dismissed.

6. This Court, having considered the submissions made by both sides, is of the considered view that respondent No.1 ought to have granted continuity of service to the petitioner, at least for the purpose of terminal benefits, without any monetary benefits. This Court feels that ends of justice would be met if the petitioner is granted continuity of service only for the purpose of terminal benefits without any monetary benefits.

7. Accordingly, the present Writ Petition is disposed of, granting the petitioner continuity of service only for the purpose of terminal benefits without any monetary benefits. The rest of the Award passed by respondent No.1 is confirmed. However, in the circumstances of the case, there shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present writ petition stand closed.

December 15, 2018
Mgr

ABHINAND KUMAR SHAVILI, J

