

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**W.P.No.12752 OF 2006**

**ORDER**

**This writ petition is filed seeking the following relief:**

“...to issue an order, direction or writ more particularly one in the nature of Writ of Certiorari and after calling for the records in I.D.No.232 of 2002, and quash the Award dt.2.3.2005 in so far as not granting continuity of service, back wages and attendant benefits as wholly illegal, arbitrary and unjust and consequently direct the respondents to grant continuity of service, back wages and all other attendant benefits and pass such further order or orders as this Hon'ble Court may deem fit and proper under the circumstances of the case.”

**Heard Sri G.Ravi Mohan, learned counsel appearing for the petitioner, learned Government Pleader for Labour appearing for the 1<sup>st</sup> respondent and Smt W.V.S.Raja Rajeswari, learned Standing Counsel appearing for the 2<sup>nd</sup> respondent.**

**Learned counsel appearing for the petitioner contends that while setting aside the order of removal, the Labour Court ought to have granted continuity of service for the purpose of terminal benefits without monetary benefits, but it denied the consequential reliefs; and that pursuant to the order of the Labour Court, the petitioner was reinstated into service and he had retired from service on attaining the age of superannuation.**

Learned Standing Counsel appearing for the 2<sup>nd</sup> respondent-Corporation contends that the Labour Court has rightly passed the impugned order and no interference is called for from this Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the Labour Court ought to have granted continuity of service atleast for the purpose of terminal benefits, without monetary benefits.

Accordingly, the Writ Petition is disposed of directing the respondent-Corporation to treat the reinstatement of the petitioner into service with continuity of service for the purpose of terminal benefits, without monetary benefits. In all other aspects, the rest of the order is confirmed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

*29<sup>th</sup> October, 2018*  
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