

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 17220 OF 2010

ORDER :

This writ petition is filed seeking to issue a writ of Certiorari, calling for the records relating to the Award dated 11.05.2010 in I.D.No.66 of 2006 passed by the Industrial Tribunal-cum-Labour Court, Anantapur, and quash the same by holding it as arbitrary and illegal. A consequential direction is also sought to the 2nd respondent to reinstate the petitioner with all consequential benefits including back wages.

Heard Sri Venkata Ramaiah Karumuri, learned counsel for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel for the 2nd respondent-corporation and perused the material placed on record.

The brief facts of the case are that the petitioner was appointed as Driver in 2nd respondent-corporation in the year 1986, and while working as such, the checking staff of the Corporation conducted a surprise check on 27.05.2004 and found that the petitioner was in drunken condition and allowed outsider to drive the vehicle from Piler to Kadiri, causing inconvenience to the passengers and also public criticism. The 2nd respondent-corporation issued charge sheet to the petitioner on 3.6.2004 and after conducting regular enquiry, imposed punishment of removal from service by proceedings dated 02.11.2004. Being aggrieved by the order of removal, the petitioner preferred an appeal before the Divisional Manager, Anantapur, and the same was dismissed on 25.05.2005. The review petition submitted to the Regional Manager, Anantapur, was also dismissed on 9.9.2005. Thereafter, the petitioner preferred an industrial dispute in

I.D.No.66 of 2006, and the 1st respondent, vide Award dated 11.05.2010, dismissed the same. Challenging the Award, the petitioner filed the present writ petition.

The learned Standing Counsel submits that by now, the petitioner might have retired from service on attaining the age of superannuation.

This Court, having considered the rival contentions made by the parties, is of the considered view that no orders of reinstatement can be passed in favour of the petitioner at this point of time as he had attained the age of superannuation. However, it is made clear that if there are any dues payable to the petitioner by the 2nd respondent, the same should be paid within a period of four weeks from the date of receipt of a copy of this order.

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

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

ABHINAND KUMAR SHAVILI, J

20th November, 2018
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