

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16852 OF 2008

ORDER:

This writ petition is filed challenging the award dated 24.07.2000, passed by the 1st respondent-Industrial Tribunal-cum-Labour Court, in not granting any relief to the petitioner.

When the matter is taken up for hearing, it has been contended by the learned counsel for the petitioner that the petitioner has retired from service during the pendency of this writ petition, on attaining the age of superannuation. The only issue raised in this writ petition is that the reviewing authority has modified the punishment imposed by the disciplinary authority, which was confirmed by the appellate authority by modifying the punishment of removal to that of reinstatement as afresh, which is contrary to the regulations and the reviewing authority cannot impose any other punishment other than the punishment which is stipulated in the regulations. Learned counsel further contends that the interest of justice would be met, at least, if the reviewing authority is modified to that of fresh appointment with continuity of service for the purpose of terminal benefits.

Learned Standing Counsel appearing for the respondents contended that the reviewing authority has taken a lenient view and modified the punishment of removal to that of fresh appointment and no illegality can be attributed to the said orders passed by the reviewing authority and the reviewing authority has rightly modified the punishment of removal to that of fresh appointment and no interference is called for and the writ petition is liable to be dismissed.

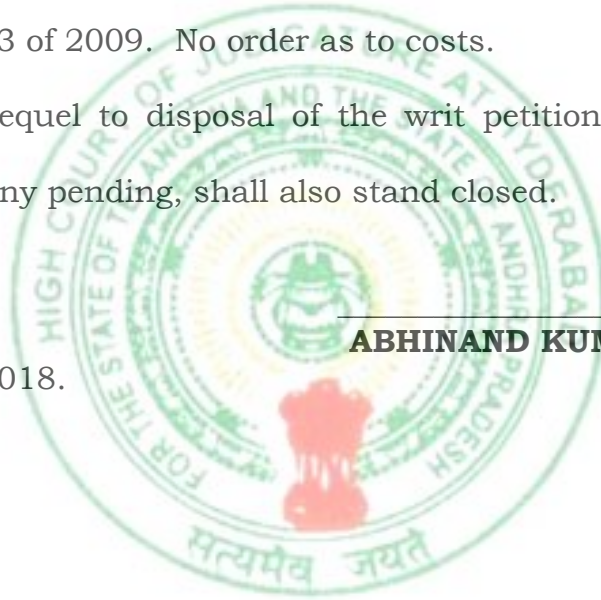
This Court having considered the rival submissions made by the parties, is of the considered view that in identical case i.e W.P.No.18003 of 2009 dated 20.09.2018, this Court has considered the same issue and granted continuity of service only for the purpose of terminal benefits, without any monitory benefits, as the reviewing authority has imposed punishment of fresh appointment which is not stipulated as one of the punishment in the regulations.

With these observations, the writ petition is disposed of, in terms of the order dated 20.09.2018, passed by this Court in W.P.No.18003 of 2009. No order as to costs.

As a sequel to disposal of the writ petition, Miscellaneous Petitions, if any pending, shall also stand closed.

Date:28.09.2018.
Gk.

ABHINAND KUMAR SHAVILI,J



HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Date:28.09.2018

Gk.