

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.17328 of 2003ORDER:

This writ petition is filed seeking the following relief:

“To quash the impugned award dated 03.08.2002 made in I.D.No. 21/99 published on 12.11.2002 insofar as denying him the continuity of service and back wages as unjust, arbitrary and in violation of principles of natural justice and consequently grant the relief of back wages and continuity of service along with all consequential benefits.”

2. Heard the counsel for the petitioner and the Standing Counsel for the Respondent-Corporation.

3. It has been contended by the petitioner that he was initially appointed as a Driver and while he was discharging his duties, a charge sheet was issued to him, alleging that he had caused an accident, and the disciplinary authority has considered the same as a misconduct and initiated disciplinary proceedings, and after conducting detailed enquiry and for the proven misconduct, the petitioner was removed from service, vide orders dated 13.11.1991. Thereafter, the petitioner has unsuccessfully preferred an appeal, and filed I.D.No. 21/1999 under Section 2-A(2) of the Industrial Disputes Act, and the Industrial Tribunal was pleased to set aside the orders of removal; however, while granting relief, has erroneously denied back wages and continuity of service.

4. The counsel for the petitioner contends that the Industrial Tribunal ought to have granted at least continuity of service, without any monetary benefits.

5. The Standing Counsel appearing for the respondents contends that the Industrial Tribunal 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 the Tribunal; 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 the parties, is of the considered view that the Industrial Tribunal ought to have granted continuity of service to the petitioner, without any monetary benefits. This Court feels, ends of justice would be met if the petitioner is granted continuity of service without any monetary benefits.

7. Accordingly, the writ petition is disposed of, modifying the Award passed by the Industrial Tribunal, granting the petitioner continuity of service without any monetary benefits. The rest of the Award passed by the Industrial Tribunal is confirmed. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 20.12.2018
DMG