

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 11491 of 2011

ORDER:

This writ petition is filed seeking to issue a writ of *Certiorari* to call for records related to and connected with the orders passed in I.D.No.49/2008, dated 28.06.2010 passed by Labour Court-II, Hyderabad, and quash or set aside the same, holding it as arbitrary, illegal.

Heard learned counsel for petitioner and learned Standing Counsel for Respondent-Corporation.

It is stated that petitioner was initially appointed as Conductor on 18.05.1984 and retired from service on 31.07.2010 on attaining the age of superannuation. While in service, respondent-Corporation had issued a charge sheet dated 24.4.2007 framing two charges against the petitioner on the allegation that he involved in cash and ticket irregularities, 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 12.11.2007. Thereafter, petitioner has unsuccessfully preferred an appeal, and filed I.D.No.49 of 2008 under Section 2-A(2) of the Industrial Disputes Act, and the Industrial Tribunal allowed the ID and set aside the order of removal; however, while granting relief, has erroneously denied back wages and continuity of service. Hence, this writ petition.

Learned counsel for petitioner would contend that the Industrial Tribunal ought to have granted at least continuity of service, without any monetary benefits.

Learned Standing Counsel appearing for respondent-Corporation would contend that the Industrial Tribunal has rightly passed orders and no illegality or irregularity has been pointed out 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.

This Court, having considered the submissions made by the parties, is of the considered view that the Tribunal ought to have granted continuity of service to the petitioner, without any

monetary benefits. This Court feels that ends of justice would be met if the petitioner is granted continuity of service without any monetary benefits.

Accordingly, the writ petition is disposed of, modifying the Award passed by the Tribunal, granting continuity of service to the petitioner, but without monetary benefits. Rest of the Award passed by the Tribunal shall stand confirmed. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

16.11.2018
Mjl/*

ABHINAND KUMAR SHAVILI, J

