

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.26202 of 2007ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the 2nd respondent in issuing proceedings dated 17.11.2007 insofar as denying continuity of service, attendant benefits and back wages to the petitioner as illegal and arbitrary and consequently direct the respondents to grant continuity of service, attendant benefits, back wages and increments to the petitioner.

2. Heard Sri G.Pavi Mohan, learned counsel for the petitioner and learned Standing Counsel for the Respondent-Corporation.

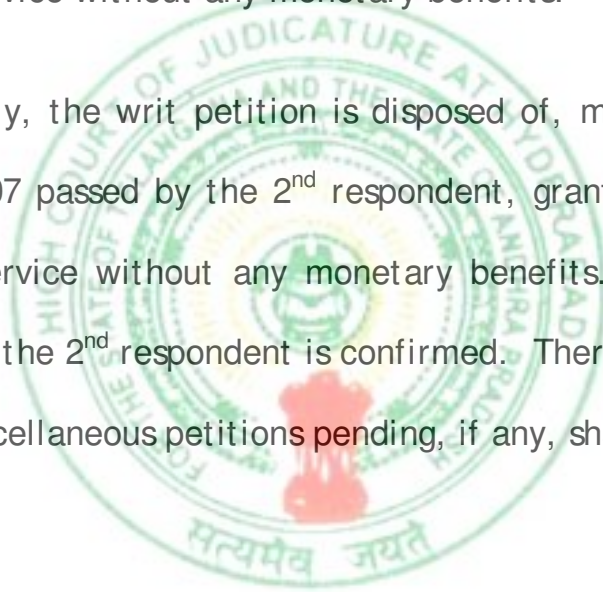
3. It has been contended by the petitioner that he was appointed as driver in the respondent Corporation in the year 1997. While he was discharging duties, the petitioner was issued charge-sheet dated 29.05.2003. The petitioner has submitted explanation to the charge-sheet. Basing upon the enquiry report, the petitioner was issued show-cause notice dated 08.12.2003. The 3rd respondent issued proceedings dated 19.12.2003 removing the petitioner from service. Aggrieved thereby, the petitioner filed appeal before the 2nd respondent. The 2nd respondent through order dated 17.11.2007 while setting aside the termination order passed by the 3rd respondent directed reinstatement of petitioner as a fresh driver denying continuity of service, attendant benefits, back wages and increments. Aggrieved thereby, the present writ petition is filed.

4. The counsel for petitioner contends that the 2nd respondent ought to have granted continuity of service, attendant benefits, back wages and increments to the petitioner.

5. The Standing Counsel appearing for the respondents contends that the 2nd respondent has rightly passed the impugned order and no illegality or irregularity has been pointed out by the petitioner, so as to interfere with the orders passed by the 2nd respondent. 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 2nd respondent 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 order dated 17.11.2007 passed by the 2nd respondent, granting the petitioner continuity of service without any monetary benefits. The rest of the order passed by the 2nd respondent is confirmed. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.



ABHINAND KUMAR SHAVILI, J

Date: 01.11.2018
Prv