

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.12675 of 2009

ORDER

This writ petition is filed seeking a writ of certiorari to call for the records in I.D.No.3 of 2005 on the file of the Labour Court, Guntur, dated 08.01.2007 and to set aside the same only to the extent of denying back wages and continuity of service.

2. Heard Sri Govinda Rajulu, learned counsel for the petitioner and Sri K. Satyanarayana Murthy, learned Standing Counsel for the Respondents-APSRTC.

3. It has been contended by the petitioner that while he was working as Conductor in the respondents-Corporation, he was suspended from service on the ground of cash and ticket irregularities on 10.05.2002 and a charge sheet was issued framing four charges against him. It is further contended that after conducting enquiry, where charges were proved, the petitioner was removed from service, vide orders dated 09.11.2002. Challenging the same, he filed I.D.No.3 of 2005 under Section 2-A(2) of the Industrial Disputes Act. By the order impugned, the Industrial Tribunal was pleased to set aside the orders of removal, however, directed the respondents to reinstate the petitioner into service as Fresh Conductor under the present scale of pay while denying back wages and continuity of service.

4. Learned counsel for the petitioner submits that the petitioner has retired from service during pendency of this writ petition, and

that the Industrial Tribunal ought to have granted the continuity of service, for the purpose of terminal benefits without any monetary benefits.

5. Learned Standing Counsel appearing for the respondents contends that the Industrial Tribunal has rightly passed the order impugned and there is no illegality or irregularity warranting interference by this Court and the writ petition 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, at least for the purpose of terminal benefits without any monetary benefits. Hence, ends of justice would be met if the petitioner is granted continuity of service only for the purpose of terminal benefits without any monetary benefits.

7. Accordingly, the writ petition is disposed of, modifying the award passed by the Industrial Tribunal by granting continuity of service only for the purpose of terminal benefits without any monetary benefits to the petitioner. 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

20th November, 2018

sj

