

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

Writ Petition No.7437 of 2010

ORDER:

This Writ Petition is filed seeking a Writ of Certiorari and set aside the award in I.D. No.18 of 2005 dated 04.02.2009 passed by the Industrial Tribunal-cum-Labour Court, Anantapur and pass such other order or orders as this Court may deem fit.

2. Heard Sri Abdul Khader, learned counsel for petitioner and Sri Aravala Rama Rao, 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 during June 1997, the petitioner driven the vehicle bearing registration No.AP 9Z 3510 in a rash and negligent manner with high speed and lack of anticipation and resulting to the bicycle with two riders going on same direction on left side came under the rear wheels of the bus and died on the spot, and the disciplinary authority has considered the same as misconduct and initiated the disciplinary proceedings, and after conducting detailed enquiry and for the proven misconduct, the petitioner was removed from service vide order dated 05.05.1998. Thereafter the petitioner has preferred an appeal and review and filed I.D.No.18 of 2005 under Section 10(1)(c) of the Industrial Disputes Act, 1947 and the Industrial Tribunal was pleased to dismiss the I.D.

4. The counsel for the petitioner contends that the Tribunal has not followed the well settled law and the documentary evidence filed by the

petitioner was not properly examined and the Industrial Tribunal ought to have granted at least continuity of service for the purpose of terminal benefits without any monetary benefits.

5. The learned Standing Counsel appearing for the respondents contends that the Industrial Tribunal has rightly passed the order and no illegality or irregularity has been pointed out by the petitioner, so as to interfere with the order 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 counsel on either side, 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. This Court feels that the 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, this Writ Petition is disposed of modifying the Award passed by the Industrial Tribunal granting the petitioner continuity of service only for the purpose of terminal benefits without any monetary benefits. The rest of the Award passed by the Industrial Tribunal is confirmed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

20.11.2018
MVA