

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.19325 OF 2011

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking to issue writ of Certiorari calling for the records connected to I.D.No.104 of 2005, dated 24.06.2009 passed by the Labour Court, Anantapur, insofar as denying the continuity of service, attendant benefits and back wages to the petitioner as illegal, arbitrary and consequently to grant the said benefits.

2. Heard Sri G.Ravi Mohan, learned counsel for petitioner and Sri A.Venkatewara Rao, learned standing counsel for the 2nd respondent.

3. It is the case of the petitioner that he was appointed as conductor during 1992 and while he was discharging his duties during April, 2004, the checking officials of the 2nd respondent-corporation conducted check and found that the petitioner had indulged in cash and ticket irregularities and the said conduct of the petitioner was construed as misconduct by the disciplinary authority and after initiating disciplinary proceedings for the proven misconduct in the enquiry, has imposed punishment of removal from service, vide proceedings, dated 03.09.2004. Thereafter, the petitioner was unsuccessful in the appeal and review. Thereafter, he filed I.D.No.104 of 2005 and the Labour Court, vide orders, dated 24.06.2009 was pleased to set aside the order of removal directing the respondent to reinstate the petitioner into service. But, denied the continuity of service, attendant benefits and back wages. Challenging the same, the present writ petition is filed.

4. It has been contended by the learned counsel for the petitioner that the Labour Court ought to have exercised its power under Section 11-A of the Industrial Disputes Act, 1947 and at least granted continuity of service for the purpose of terminal benefits.

5. Learned standing counsel for the respondents contended that the Labour Court had rightly passed the orders and no further interference is called for and the charges levelled against the petitioner are serious and grave and no leniency can be shown to the petitioner. There are no merits and the writ petition is liable to be dismissed.

6. This Court having considered the rival contentions made by both parties, is of the considered view that the Labour Court ought to have at least granted the benefits for the purpose of terminal benefits. Therefore, this Court feels that ends of justice would be met if the petitioner is allowed to count the earlier service rendered by him for the purpose of terminal benefits. However, rest of the award is confirmed.

7. With the above observation, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

DATED:12-10-2018

Hsd