

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.8343 OF 2002

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records in Second Appeal No.1 of 2000 on the file of the 4th respondent and to quash the order passed therein on 15.11.2000.

2. Heard Sri K. Rathanga Pani Reddy, learned Counsel for the petitioner and the learned Standing Counsel for the respondent-Bank.

3. It has been submitted by the petitioner that he was initially appointed as a peon on 1.8.1984 and while he was discharging his duties as such, the respondents terminated his services vide order dated 27.4.1991, and thereafter, he pursued his remedies before the authorities concerned and finally, the petitioner filed a case under Shops and Establishment Act before the 3rd respondent and the 3rd respondent considered the entire case of the petitioner and passed orders on 5.11.1999 allowing the case filed by the petitioner and directing that the petitioner be reinstated into service with full back wages and continuity of service, and challenging the same, respondents Nos.1 and 2 carried the matter in appeal before the 4th respondent-second appellate authority and the 4th respondent vide

order dated 15.11.2000 confirmed the order passed by the 3rd respondent, while modifying the payment of full back wages to that of half of the back wages for the period, during which the petitioner was kept out of employment. Challenging the said direction of payment of half of back wages, the petitioner filed this writ petition.

4. It has been contended by the learned Counsel for the petitioner that without assigning any reasons, the 4th respondent-second appellate authority modified the order of the 3rd respondent with regard to payment of full back wages to that half of the back wages and therefore, the order passed by the 4th respondent-Second appellate authority is arbitrary and illegal.

5. This Court has considered the rival submissions made by the parties and perused the material available on record. The petitioner was terminated on 27.4.1991. Thereafter, he approached the authorities in the year 1999 i.e., after a gap of nearly eight years. In the circumstances, this Court is of the view that there is no justification in directing respondents Nos.1 and 2 to pay full back wages for the period of about eight years, during which the petitioner was kept out of employment. The 4th respondent-Second appellate authority was right in modifying the order passed by the 3rd respondent. There are no merits in this writ petition.

Therefore, this Court is not inclined to interfere with the order dated 15.11.2000 passed by the 4th respondent in S.A.No.1 of 2000.

6. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

(ABHINAND KUMAR SHAVILI, J)

Dated: 14th August, 2018
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Dated: 14.8.2018

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