

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.28503 of 2011

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with the award dated 15.2.2011 in I.D.No.158 of 2009 on the file of the 3rd respondent and to quash the same by holding it as arbitrary and illegal, and to grant reinstatement with all consequential benefits to the petitioner.

2. Heard Sri N.Chandra Sekhar Reddy, learned Counsel for the petitioner and the learned Standing Counsel for the respondent Corporation.

3. It has been submitted by the learned Counsel for the petitioner that he was appointed as a conductor in the year 1994 and while he was conducting the bus on 26.6.2006, a team of checking officials conducted a check and found that the petitioner has indulged in cash and ticket irregularities, and the respondent - Corporation issued charge sheet, for which, the petitioner gave his explanation, and being not satisfied with the same, a detailed enquiry was conducted, and the petitioner was removed for the

proven misconduct in the departmental enquiry, vide proceedings dated 11.9.2006. Further, it has been submitted that aggrieved by the removal order, the petitioner preferred appeal and revision before the appellate and revisional authorities, the appellate and revisional authorities have rejected the appeal and revision, and challenging the same, the petitioner preferred I.D.No.158 of 2009 before the 3rd respondent-Labour Court-III under Section 2-A(2) of the Industrial Disputes Act and the said I.D. was dismissed. Hence, the petitioner filed this writ petition.

4. Learned Counsel for the petitioner as well as learned Standing Counsel for the respondent Corporation submits that similar issue arose in WP.No.19950 of 2003 and this Court vide orders dated 3.8.2018 disposed of the said writ petition setting aside the order of removal of the petitioner therein and modifying the award of the Labour Court to the effect that the petitioner be reinstated into service as a fresh entrant without any back wages, continuity of service and other attendant benefits.

6. Accordingly, this Writ Petition is disposed of setting aside the order of removal of the petitioner dated 11.9.2006 and modifying the award of the Labour Court to the effect that petitioner be reinstated into service as a fresh entrant without any back wages, continuity of service and other attendant benefits. No costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 06/11/2018

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