

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23392 2002

ORDER:

This writ petition is filed by the petitioner seeking to issue writ of Certiorari calling for the records relating to and connected with I.D.No.258 of 1999 on the file of the Industrial Tribunal-cum-Labour Court, Visakhapatnam and quash the Award dated 1.12.2001 passed therein as arbitrary and illegal. A consequential direction to reinstate the petitioner into service is also sought.

Heard Sri Nagarjuna Naguru, learned counsel for the petitioner and Sri S.V.Ramana, learned standing counsel for the 1st respondent.

It is contended by the petitioner that he was appointed as Conductor in April, 1985 in the 1st respondent-Corporation. While he was working as Conductor, during the year 1998, a check was conducted by the officials of the 1st respondent-Corporation and it is noticed that the petitioner had indulged in cash and ticket irregularities. The 1st respondent-Corporation has issued charge sheet to the petitioner, and after conducting departmental enquiry, had imposed a punishment of removal from service vide proceedings dated 23.12.1998. The appeal preferred by the petitioner was rejected vide orders dated 16.4.1999. He also filed review petition before the Regional Manager, Visakhapatnam, but no orders were communicated to him. Thereafter, the petitioner raised I.D.No.258 of 1999 before the Industrial Tribunal-cum-Labour Court, Visakhapatnam. The Labour Court, after

considering the entire case, dismissed the I.D.No.258 of 1999 vide orders dated 1.12.2001. Challenging the same, the present writ petition is filed.

It is contended by the learned counsel for the petitioner that as the petitioner had rendered service from 1985 to 1998, he entitled for the service benefits for the said period.

Learned standing counsel appearing for the 1st respondent-Corporation would contend that the disciplinary authority, after considering the findings of the Enquiry Report, had imposed the punishment of removal on the petitioner and the same was confirmed by the appellate authority, reviewing authority and the Labour Court and therefore, no interference is called for.

This Court, after considering the submissions made by the parties is of the opinion that this writ petition can be disposed of directing respondent no.1 to consider the case of the petitioner for release of service benefits for the service rendered by him from 1985 to 1998.

Accordingly, the Writ Petition is disposed of directing respondent No.1 to consider the case of the petitioner for release of service benefits from 1985 to 1998 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

Miscellaneous petitions pending, if any, shall stand closed.
No order as to costs.

ABHINAND KUMAR SHAVILI, J

Date: 27/07/2018

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