

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No.4335 of 2002**

**ORDER:**

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to issue a writ of Certiorari calling for the records connected with I.D.No.49 of 2000 on the file of the Industrial Tribunal-cum-Labour Court, Godavarikhani and quash the award dated 20.11.2001 passed therein as arbitrary and illegal. A consequential direction to reinstate the petitioner into service with all consequential benefits is also sought.

Heard Sri Vinod Kumar Deshpande, learned counsel for the petitioner and Sri A.Ravi Babu, learned standing counsel for 1<sup>st</sup> and 2<sup>nd</sup> respondent-Corporation.

It is contended by the petitioner that he was appointed as Driver during the year 1987. While he was discharging his duties on 22.9.1996, he had a scuffle with one Sri A.Hameed who was also a driver. Based on the said incident, a charge memo was issued to him alleging that he had stabbed his co-employee and injured him. Thereafter, a regular enquiry was conducted and the petitioner was removed from service vide orders dated 13.4.1999. The petitioner preferred an appeal and the same was rejected on 23.8.1999. Thereafter a review petition was also filed before the 2<sup>nd</sup> respondent and the same was also rejected vide orders dated 31.3.2000. The petitioner further contends that he filed I.D.No.49

of 2000 before the Industrial Tribunal-cum Labour Court-3<sup>rd</sup> respondent. The 3<sup>rd</sup> respondent vide orders dated 20.11.2001 dismissed the I.D. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner contends that there were no eye witnesses to the incident. It is only the circumstantial evidence that was taken into consideration while imposing the punishment on the petitioner. He further contends that the petitioner retired from service during the pendency of the writ petition and that a lenient view may be taken in this case.

Sri A.Ravi Babu, learned standing counsel for respondent Nos.1 and 2 contends that the disciplinary authority had imposed the punishment of removal from service for the proven misconduct in the departmental enquiry and the same was confirmed by the appellate authority, reviewing authority and the Labour Court and therefore no interference is called for. He further contends that for the service rendered by the petitioner from 1987 to 1999 i.e. till the date of removal order, the service benefits which are payable to the petitioner will be paid, if not already paid.

Having considered the submissions made by the parties, I am of the considered view that this writ petition can be disposed of directing the respondents 1 and 2 to pay the service benefits/terminal benefits to the petitioner for the period he worked as Driver i.e. from 1987 to 1999.

Accordingly, the Writ Petition is disposed of directing the respondents 1 and 2 to pay the service benefits/terminal benefits to the petitioner for the period he worked as Driver from 1987 to

1999 within a period of four weeks from the date of receipt of a copy of this order, if not already paid. No order as to costs.

Miscellaneous petitions if any pending, shall stand closed.

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**ABHINAND KUMAR SHAVILI, J**

**Date: 27/07/2018**

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