

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 15447 of 2003

O R D E R:

1. This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No.196 of 1997 on the file of the 1st respondent-Labour Court, and to quash the award dated 9.11.2000 passed therein only to the extent of denying continuity of service, attendant benefits and back wages, and consequently, to direct the respondent-Corporation to grant continuity of service, attendant benefits and back wages to the petitioner.

2. Heard Sri G. Ravi Mohan, learned Counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation and perused the material placed on record.

3. The brief facts of the case are that the petitioner was appointed as conductor in the respondent – Corporation. While he was conducting the bus in the year 1994, the checking officials conducted a check and alleged that the petitioner had involved in cash and ticket irregularities. The respondent-Corporation construed the said irregularities as misconduct and initiated disciplinary proceedings against him. After conducting enquiry, the respondent-Corporation removed the petitioner from service vide proceedings dated 26.5.1994 for the proven misconduct. Thereafter, the petitioner unsuccessfully pursued

his remedies by preferring appeal and review. Thereafter, the petitioner filed I.D.No.196 of 1997 under Section 2-A(2) of the Industrial Disputes Act, 1947. The Labour Court passed the impugned award dated 9.11.2000 setting aside the order of removal and directing that the petitioner be reinstated into service as fresh candidate without continuity of service and without back-wages. Challenging the denial of continuity of service and back-wages, the present writ petition is filed.

4. The learned Standing Counsel for the respondent – Corporation submits that the disciplinary authority has gone into the entire record and imposed punishment, and the Labour Court took a lenient view and passed the award impugned directing reinstatement of the petitioner and denying back-wages and continuity of service. He further submits that in compliance with the award passed by the Labour Court, the petitioner was already reinstated into service and hence, the award impugned does not warrant any interference by this Court.

5. This Court, having considered the rival submissions of both the parties, is of the opinion that the petitioner was allowed to discharge duties as conductor. Be that as it may, ends of justice would be met if the services rendered by the petitioner from the date of initial appointment till his reinstatement, are

counted for the purpose of terminal benefits without any back-wages and other attendant benefits.

6. Accordingly, the Writ Petition is disposed of. The services rendered by the petitioner from the date of his initial appointment till the date of his reinstatement, shall be counted for the purpose of terminal benefits without any back-wages and other attendant benefits.. No order as to costs. As a sequel, Miscellaneous Petitions, if any pending, shall stand closed.

9-11-2018
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ABHINAND KUMAR SHAVILI, J



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