

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.8510 OF 2003

ORDER:

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.157 of 1997 on the file of the 1st respondent-Labour Court and to quash the award dated 10.8.2000 passed therein only to the extent of denying continuity of service and back wages, and consequently, to grant the same.

2. Heard Sri A.K. Jayaprakash Rao, learned Counsel for the petitioner and the learned Government Pleader for Labour.

3. It has been contended by the petitioner that he was appointed as conductor in the year 1989 in the respondent Corporation, and while he was discharging his duties on 30.10.1989, the checking officials of the respondent-corporation conducted a check and found that the petitioner had indulged in cash and ticket irregularities and the said act of the petitioner was construed as misconduct and after conducting a regular departmental enquiry, the disciplinary authority imposed punishment of removal from service on the petitioner for the proven misconduct vide proceedings dated 11.5.1990. Further, it has been contended that aggrieved by the removal order, the petitioner preferred I.D.No.157 of 1997 on the file of the 1st respondent- Labour Court. The 1st respondent, vide orders

dated 10.8.2000 set aside the order of removal and directed that the petitioner be reinstated into service without back wages and without continuity of service. Aggrieved by denial of back wages and continuity of service, the petitioner filed this writ petition.

4. It has been contended by the learned Counsel for the petitioner that when once the 1st respondent interfered with the punishment of removal, it ought to have granted continuity of service and back wages.

5. Learned Government Pleader for Labour contended that the Labour Court took a lenient view and directed reinstatement of the petitioner into service and that no illegality has been committed by the Labour Court and hence, the writ petition is liable to be dismissed.

6. This Court having considered the submissions made by both the parties is of the considered view that the 1st respondent has taken a lenient view and directed reinstatement of the petitioner. There are no merits in this writ petition.

7. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 9.11.2018

Nn

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



**Writ Petition No.8510 of 2003
(dismissed)**

9th November, 2018

Nn