

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.22939 of 2010

ORDER:

When the matter is taken up for hearing, the learned counsel for the respondent-workman informed that the respondent-workman was reinstated into service pursuant to the order passed by the Labour Court in I.D.No.127 of 2009 dated 11.03.2010 and after reinstatement, the respondent-workman had retired from service on attaining the age of superannuation on 31.05.2019 as Assistant Depot Clerk. The petitioner Corporation is challenging the award passed by the Labour Court in I.D.No.127 of 2009 dated 11.03.2010. The only issue which has to be adjudicated in the present case is about extending continuity of service and attendant benefits to the respondent-workman, as the Labour Court has not granted any back wages.

Learned Standing Counsel appearing for the petitioner has contended that since the respondent-workman was already reinstated into service and has retired from service, appropriate orders be passed in the writ petition by at least setting aside the award passed by the Labour Court with regard to continuity of service and attendant benefits.

This Court, having considered the rival submissions made by the respective parties, is of the considered view that the respondent-workman was already reinstated into service pursuant to the order passed by the Labour Court and he was allowed to continue till he attained the age of superannuation. Since the issue is only about extending continuity of service and attendant benefits

to the respondent-workman, this Court is not inclined to interfere with the award passed by the Labour Court, as the Labour Court has rightly denied back wages to the respondent-workman for the proven misconduct in the domestic enquiry. Hence, there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

13-09-2019
Prv

ABHINAND KUMAR SHAVIL, J

