

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.33110 of 2011

ORDER

This writ petition is filed seeking the following relief:

“.....to call for the records from the 1st respondent in I.D.No.46 of 2008, and issue appropriate writ, order or direction particularly one in the nature of Writ of Certiorari and quash the Award passed by the 1st respondent in I.D.No.46 of 2008, dated 7.5.2009, published on 6.7.2009, in so far as denying the continuity of service, attendant benefits and back wages as illegal, unjust, contrary to law and perverse and grant all consequential benefits.”

Learned counsel appearing for the petitioner contended that the petitioner was removed from service for his unauthorized absence *vide* order dated 22.9.2009 and challenging the same, he filed I.D.No.46 of 2008 before the Labour Court-III, Hyderabad. The Tribunal *vide* Award dated 7.5.2009 reinstated the petitioner into service afresh, without continuity of service, attendant benefits and back wages. It is further contended that challenging the denial of continuity of service, attendant benefits and back wages, the present writ petition is filed. It is also contended that in similar circumstances, this Court *vide* order dated 30.10.2018 in W.P.No.22505 of 2002 modified the Award passed by the Tribunal by granting the relief of continuity of service without

any monetary benefits to the petitioner therein. It is prayed that a similar order be passed in this writ petition also.

Learned counsel appearing for the petitioner brought to the notice of this Court that the petitioner was reinstated into service afresh and on attaining the age of superannuation, he retired from service on 31.01.2014.

Learned Standing Counsel appearing for the respondent-Corporation does not dispute the same.

In view of the same, following the order dated 30.10.2018 in W.P.No.22505 of 2002, this Writ Petition is disposed of by modifying the Award dated 7.5.2009 in I.D.No.46 of 2008 only to the extent of granting continuity of service for the purpose of retiral benefits without any monetary benefits. In all other aspects, rest of the Award is confirmed. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

1st October, 2019
rkk