

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.12487 of 2005

ORDER:

This writ petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit, the petitioner prays that this Hon’ble court may be pleased to issue an appropriate writ or direction particularly one in the nature of WRIT OF CERTIORARI, quash the impugned award dated 18.09.2003 made in I.D.No.66 of 2001, published on 22.11.2003 in so far as not granting the continuity of service, back wages as arbitrary, unjust, an in violation of Art. 14, 16 & 21 of the Constitution of India and consequently direct the respondents’ corporation to extend all the consequential benefits of continuity of service, along with other benefits including the back wages in the interest of justice and fair play”.

Heard Sri V.Narsimha Goud, the learned counsel for the petitioner and Sri N.Vasudeva Reddy, the learned Standing Counsel for the Respondent-Corporation.

It has been contended by the petitioner that he was initially appointed as Conductor in the year 1985 and subsequently his services were regularized and while he was conducting the bus on 20.12.1999 from Polkampet to Lingampet, a check was effected at stage No.7 and a memo was issued alleging that he did not issue tickets to 20 passengers. The disciplinary authority has considered the same as a misconduct and initiated disciplinary proceedings, and after conducting detailed enquiry and for the proven misconduct, the petitioner was removed from service, vide orders dated 14.6.2000. After exhausting the departmental remedies, the petitioner filed

I.D.No. 66/2001 under Section 2-A(2) of the Industrial Disputes Act, and the Labour Court was pleased to allow the ID partly, directing the respondents to reinstate the petitioner into service as a fresh conductor without continuity of service and without back wages.

The counsel for the petitioner contends that the petitioner had retired from service during the pendency of this writ petition, and the Labour Court ought to have granted at least continuity of service, for the purpose of terminal benefits, without any monetary benefits.

The Standing Counsel appearing for the respondents contends that the Labour Court has rightly passed orders and no illegality or irregularity has been pointed out by the petitioner, so as to interfere with the orders passed by the Tribunal; there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the submissions made by the parties, is of the considered view that the Labour Court ought to have granted continuity of service to the petitioner, at least for the purpose of terminal benefits, without any monetary benefits. This Court feels, ends of justice would be met, if the petitioner is granted continuity of service only for the purpose of terminal benefits, without any monetary benefits.

Accordingly, the writ petition is disposed of, modifying the Award passed by the Labour Court granting the petitioner continuity of service, only for the purpose of terminal benefits, without any monetary benefits. The rest

of the Award passed by the Labour Court is confirmed. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 21.12.2018

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