

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.28293 of 2007

ORDER:

This writ petition is filed seeking a Writ of Certiorari calling for the records pertaining to the Award dated 18.04.2001 passed in I.D.No.108 of 2000 by the Industrial Tribunal, Hyderabad and quash the same as being illegal and invalid and sought a consequential direction directing the 2nd respondent to reinstate the petitioner into service with continuity of service, backwages and attendant benefits.

Heard learned counsel for the parties.

When the matter is taken up for hearing, the counsel for petitioner has contended that the petitioner was initially appointed as a Mechanic on 06.11.1982. While he was discharging his duties, the 2nd respondent initiated disciplinary proceedings for his unauthorized absence. Counsel for petitioner submits that owing to domestic difficulties and financial crisis, the petitioner had to remain absent from duty during the relevant period. The disciplinary authority construed the same as misconduct and initiated disciplinary proceedings. After conducting detailed inquiry, petitioner was removed from service vide orders dated 01.09.1995. Thereafter, the petitioner has unsuccessfully preferred appeal and revision and later filed I.D.No.108 of 2000 before the Industrial Tribunal-cum-Labour Court under Section 2-A(2) of the Industrial Disputes Act. The Tribunal, vide orders dated 18.04.2001, dismissed the I.D. preferred by the petitioner. Challenging the same, the present writ petition is filed.

Counsel for petitioner contended that the petitioner had rendered service from 06.11.1982 to 01.09.1995, and hence, the service benefits atleast for the period he worked, be directed to be paid as per the Regulations of the 2nd respondent-Corporation and appropriate orders be passed to that effect.

The Standing Counsel appearing for respondent No.2 has contended that if the petitioner submits representation afresh, his case would be considered and the service benefits for the service rendered from the date of initial appointment till the date of removal i.e. from 06.11.1982 to 01.09.1995 would be paid to the petitioner, if not already paid.

This Court, having considered the rival submissions made by the parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit representation afresh to the 2nd respondent within two weeks from the date of receipt of a copy of this order seeking service benefits for the service rendered by the petitioner from the date of his initial appointment till the date of removal i.e. from 06.11.1982 to 01.09.1995. Upon receipt of such representation, the 2nd respondent shall consider the same and pass appropriate orders in accordance with law and pay terminal benefits to the petitioner, if not already paid, in another Eight weeks thereafter.

With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

24th September 2019

ajr