

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.16949 of 2011

ORDER:

This writ petition is filed seeking the following relief :-

“....to issue an order or direction more particularly one in the nature of writ of Certiorari by calling for the records relating to and in connection with the award of the Labor Court-III, Hyderabad, passed in I.D.No.178/ 2009 dt.16.12.2009, which was published in the Gazette vide G.O.Rt.No.403 dt.31.03.2010 and the award is liable to be set aside as unjust and illegal, contrary to well established principles of law and consequently direct the Respondents herein to reinstate the petitioner and to pay the wages for the removal period forthwith along with all benefits.....”

Heard learned counsel for petitioner and the learned Standing Counsel for respondents.

It has been contended by the petitioner that he was appointed as a Conductor with the respondents during the year 1980 and while discharging duties, he was charge-sheeted for unauthorized absence and disciplinary proceedings have been initiated against him. After conducting detailed enquiry, the disciplinary authority has imposed punishment of removal vide order dated 25.05.2006. The petitioner has unsuccessfully preferred appeal and revision and thereafter, challenged the order of removal before the Labour Court by filing I.D.No.178 of 2009 under Section 2-A(2) of the I.D.Act. The Labour Court vide order dated 16.12.2009 was pleased to dismiss the I.D. preferred by the petitioner. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that the petitioner has rendered more than 26 years of service with the respondents and therefore, appropriate orders be passed in the writ

petition directing the respondents to release service benefits for the service rendered by the petitioner from 1980 to 2006 i.e., the date of removal.

The learned Standing Counsel appearing for the respondents has contended that the case of the petitioner will be considered and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions of the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit fresh representation to the respondents seeking terminal benefits for the service rendered by him in the respondent Corporation. Upon such representation being received, the respondents shall consider the same and release service benefits for the service rendered by the petitioner, if not already released, by passing appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 30-07-2019
Prv

