

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.11025 OF 2009

ORDER:

When the matter is taken up for hearing, counsel for the petitioner had submitted that the petitioner was initially appointed as a Conductor during the year 1979 and while he was discharging his duties during September, 2004, it has been alleged by the respondents that the petitioner had indulged in certain cash and ticket irregularities and after conducting detailed enquiry, for the proven misconduct, the petitioner was imposed the punishment of removal from service vide proceedings dated 24.10.2004. Aggrieved thereby, the petitioner has unsuccessfully preferred appeal and revision. Thereafter, the petitioner filed I.D.No.3 of 2006, under Section 2-A (2) of the Industrial Disputes Act, challenging the orders of removal. The Tribunal, vide orders dated 21.07.2007, dismissed the I.D preferred by the petitioner. Challenging the same, the present writ petition is filed.

Counsel for the petitioner submitted that during pendency of the writ petition, the petitioner has attained the age of superannuation, therefore, the question of reinstating the petitioner does not arise. However, the counsel submitted that the service benefits for the service rendered by the petitioner from 22.11.1979 to 24.10.2004, if not paid, be directed to be paid by the respondents.

Standing Counsel appearing for the respondents had contended that the case of the petitioner would be considered and the terminal

benefits to which the petitioner is entitled would be paid, if not already paid, within a reasonable period of time.

This Court, having considered the rival submissions of learned counsel for respective parties, is of the considered view that the writ petition can be disposed of directing the respondents to pay the terminal benefits for the service rendered by the petitioner from 22.11.1979 to 24.10.2004 in accordance with the Rules, if not already paid, within a period of eight weeks from the date of receipt of a copy of this order.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

25th September, 2019
v v