

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14030 of 2003

ORDER:

This writ petition is filed seeking a writ of Certiorari to call for the records relating to and connected with I.D.No.209 of 1999 dated 01.08.2002 on the file of the Labour Court –II, Hyderabad and quash the same holding it as arbitrary and illegal and sought a consequential direction to the respondent to reinstate the petitioner into service with continuity of service, backwages and other attendant benefits.

Heard Sri K.Vasudeva Reddy, Counsel for the petitioner, and Sri N. Vasudeva Reddy, Standing Counsel for the respondent.

It has been contended by the petitioner that he was initially appointed as a daily wage Conductor during May, 1982 and while he was discharging his duties during August, 1999, the disciplinary authority had initiated disciplinary proceedings against him for the alleged unauthorized absence. The petitioner has submitted explanation and thereafter the disciplinary authority, after conducting detailed enquiry and for the proven misconduct, had imposed the punishment of removal vide orders dated 21.10.1999. Thereafter, the petitioner has unsuccessfully preferred appeal and revision. Subsequently, the petitioner filed I.D.No.209 of 1999 before the Labour Court. The Labour Court vide orders dated 01.08.2002 was pleased to modify the punishment of removal to that of reinstatement as a fresh conductor without backwages and continuity of service.

Challenging the same only to the limited extent of denying the backwages and continuity of service, the present writ petition is filed.

Counsel for the petitioner submits that the petitioner has retired from service and ends of justice would be met if the earlier service rendered by the petitioner i.e., prior to the date of removal, is counted for the purpose of retiral benefits. Therefore, Counsel contends that appropriate orders be passed in the writ petition directing the respondent to count the earlier service rendered by the petitioner only for the purpose of retiral benefits.

Standing Counsel appearing for the respondent had submitted that the disciplinary authority has imposed major punishment of removal for the proven misconduct and the Labour Court had interfered with the punishment of removal only on proportionality theory, therefore, there are no merits in the writ petition and the writ petition is liable to be dismissed.

This Court, having considered the rival submissions of learned counsel for the parties and also the fact that the petitioner has already retired from service on attaining the age of superannuation, is of the considered view that in order to give quietus to this long pending litigation, if the respondent is directed to count the earlier service rendered by the petitioner i.e., from the date of initial appointment till the date of removal, only for the purpose of retiral benefits, ends of justice would be met. Further, this writ petition is of the year 2003 and the same is pending almost for 16 years.

Hence, the writ petition is disposed of directing the respondent to count the earlier service rendered by the petitioner i.e., from the date of initial appointment till the date of removal, only for the purpose of retiral benefits. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

1st August 2019
v v

