

HONOURABLE SRI JUSTICE E.V.VENUGOPAL

W.P.No.5320 of 2008

ORDER:

1. Assailing the Award passed in I.D. No.131 of 2003, dated 27.04.2006 on the file of the Industrial Tribunal-cum-Labour Court Warangal, insofar as not granting continuity of service and back wages and to direct the respondent-Depot Manager to reinstate the petitioner into service with continuity of service, back wages and all other attendant benefits.
2. Learned counsel for the petitioner submits that the learned Tribunal ought to have taken 24 years of service of petitioner in the respondent-Depot into consideration and should have considered the fact that the accident was not wilful.
3. No representation on behalf of the respondents.
4. Counter has been filed by the respondents and it is evident from the record that the petitioner was involved in

a fatal accident with vehicle No.AP 10Z 7872 at Alugunur, on the route Hanmakonda to Karimnagar on 19.06.2002, with an Auto trolley bearing No.AP15-B-4398 at 15:30 hours, resulting in the death of driver of the Auto Trolley and a passenger of Auto Trolley. A police case was also registered at Police Station, Thimmapoor, Karimnagar District, vide Crime No.91/2002, under Section 304(A) of I.P.C on 19.06.2002 and it is also submitted in the counter that the Labour Court gave a finding on 06.12.2005, holding that the domestic enquiry was valid and binding on the petitioner as well as the respondents and also stated that the writ petitioner filed a Memo stating that he is not disputing the validity of domestic enquiry. He further submits that the Labour Court re-appreciated entire evidence and material on record and held that the accident occurred due to contributory negligence of the petitioner as well as the auto driver.

5. This Court is not inclined to interfere with the order passed by the learned Tribunal in I.D. No.131 of 2003,

dated 27.04.2006 in totality except to the extent of directing the respondents to pay the retiral benefits for the past service rendered by the petitioner for a period of 24 years and accordingly the writ petition is disposed of. It is made clear that the petitioner shall not claim any back wages and continuity of service. There shall be no order as to costs.

6. Miscellaneous petitions, if any, pending in this writ petition, shall also stand closed.

Dated: 03.11.2022
Chs/Vsl

JUSTICE E.V.VENUGOPAL

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