

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.15321 OF 2000

ORDER:

1. This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with the award dated 30.3.2000 in I.T.I.D.(C) No.35 of 1998 on the file of the 2<sup>nd</sup> respondent, and to quash the same.

2. Heard Sri N. Guru Gopal, learned Counsel for the petitioner and Sri K. Srinivasa Murthy, learned Counsel for the 1<sup>st</sup> respondent.

3. It is the case of the petitioner that he was appointed as a messenger on casual basis on 22.11.1983 and after considerable length of service, he was removed from service on 1.4.1997, and hence, he raised a dispute before the Conciliation Officer, and when the Conciliation proceedings failed, the Conciliation Officer submitted a failure report, basing upon which the Government referred the dispute under Section 10(1)(d) of the I.D. Act to the 2<sup>nd</sup> respondent and it is numbered as ITID (C ) No.35 of 1998, and that the 2<sup>nd</sup> respondent considered the entire issue on merits and passed nil award on 30<sup>th</sup> March, 2000, and questioning the same, the present writ petition is filed.

4. It has been contended by the learned Counsel for the petitioner as well as the 1<sup>st</sup> respondent that the issue raised in this writ petition is squarely covered by a judgment of this Court in W.P.Nos.3768 of 2011 and batch, dated 20.7.2016, wherein this Court, after considering the case law and following the judgment of this Court in another batch of writ petitions viz., W.P.No.6470 of 2006 and batch, dated 23.6.2014, set aside the

award passed therein and directed the respondent-Bank therein to re-engage the petitioners therein in the positions which they had been occupying prior to their termination and further to consider their cases for regularization as and when substantive vacancies arise, if already such vacancies are not available.

5. Having considered the material on record and the above judgment of this Court in W.P.No.3768 of 2011 and batch, this Court is of the view that the petitioner in the present case is also similarly situated person and therefore, this writ petition can also be allowed.

6. Accordingly, the Writ Petition is allowed setting aside the award dated 30.3.2000 in I.T.I.D.(C) No.35 of 1998 on the file of the 2<sup>nd</sup> respondent. Consequently, the 1<sup>st</sup> respondent-Bank is directed to re-engage the petitioner in the position which he had been occupying prior to the termination of his services and further to consider his case for regularization, as and when substantive vacancy arises, if already such vacancy is not available. No costs. Miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

30<sup>th</sup> November, 2017  
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