

(2012) 08 KAR CK 0086

In the Karnataka High Court

Case No : Writ Petition No. 16731 of 2012 (S-KSRTC)

Mr S Ramachandra

APPELLANT

Vs

The Managing Director BMTC, Central Offices, K.H. Road,
Shanthinagara Bangalore-27

RESPONDENT

Date of Decision : 13-08-2012

Acts Referred:

Citation : (2012) 08 KAR CK 0086

Hon'ble Judges : Subhash B. Adi, J

Bench : Single Bench

Advocate : S B Lakshmi, for the Appellant; K S Bharath Kumar, for the Respondent

Final Decision : Allowed

Judgement

Subhash B. Adi, J.—Petitioner has called in question the endorsement dated 07.05.2012 produced at Annexure "D" issued by the respondent - Corporation inter alia informing the petitioner that the petitioner is not entitled for seniority and consequential benefits in terms of the award passed by the Presiding Officer, III Addl. Labour Court, Bangalore, in I.D. No. 151/1994 dated 03.09.1994. The petitioner was dismissed from service, as against which, the petitioner raised a dispute before the Labour Court. The Labour Court, though held that the charge is proved, further held that the punishment is harsh and reduced the same by directing the Corporation to reinstate the petitioner without backwages with continuity of service and also directed to withhold two increments. In pursuance of the same, the petitioner made a representation for promotion as the award says there is continuity of service.

2. It is not in dispute that the award has been passed for reinstatement and continuity of service. No doubt, continuity of service may not confer any right on the workman-petitioner to claim consequential benefits. However, it does not preclude from claiming the seniority as such. However, continuity of service should have been considered for the purpose of fixation of seniority at least. In

this case, the Corporation has rejected the claim of the petitioner. The petitioner may not be entitled for consequential benefits, but, he is entitled for fixation of seniority only for the period for which the petitioner has been conferred benefit under the award. When once the petitioner is reinstated, from the date of reinstatement, the petitioner's seniority has to be considered taking into account the number of years the petitioner has served in the Corporation. In my opinion, the Corporation requires to reconsider the matter.

Accordingly, the petition is allowed. The petitioner is directed to file appropriate representation and if such representation is filed, the Corporation is directed to consider and pass appropriate order within two months thereafter.