

HON'BLE SRI JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT APPEAL No. 289 OF 2015

WRIT APPEAL (SR) No. 202899 OF 2014

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JUDGMENT: (per the Hon'ble Sri Justice A. Ramalingeswara Rao)

This writ appeal is directed against the order dated 21-10-2013 passed in Writ Petition No.3222 of 2003, whereby the learned single Judge modified the Award passed by the Labour Court ordering reinstatement of the respondent herein into service with stoppage of two annual increments with cumulative effect without back wages but with continuity of service and attendant benefits, to that of stoppage of two annual increments without cumulative effect with back wages together with arrears.

The respondent joined the services of the appellant – Corporation as Conductor in the year 1987. His services were regularised with effect from 02-03-1989. On 12-04-1992, the respondent was on duty in RTC bus bearing No.1436 and when the bus was coming down from Hanmajipet to Bodhan, a surprise check was conducted in between stage Nos.11/10 at about 6.45 PM. It was alleged that the respondent failed to observe the rule “issue and start”. Charge sheet was issued to him on 20-04-1992 with two charges. Regular domestic enquiry was also conducted. The Enquiry Officer submitted his report stating that the charges against the respondent were proved. He was removed from service by order dated 31-07-1992. His appeal and review were also rejected vide orders dated 02-03-1996 and 04-04-1996 respectively. Challenging his removal, the respondent filed I.D No. 124 of 1999 and the Labour Court passed an awarding directing the appellants to reinstatement him into service with stoppage of two annual increments with cumulative effect without back wages but with continuity of service and attendant benefits. The respondent

filed Writ Petition No. 3222 of 2003 and the learned single Judge by order dated 21-10-2013 modified the award to reinstatement into service with back wages, continuity of service and attendant benefits but with stoppage of two annual increments without cumulative effect. Challenging the same, the above writ appeal is filed.

After arguing for sometime, learned counsel for the parties have consented for the following order:

“The order of the learned single Judge imposing the penalty of withholding of two annual increments without cumulative effect with back wages together with arrears be modified to that of penalty of withholding of two annual increments without cumulative effect, but with 50% back wages together with arrears.”

In view of the consent given by the counsel for the parties, we have not expressed anything on the merits of the case.

The writ appeal is disposed of in terms of the above consent order. Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, J

A. RAMALINGESWARA RAO, J

26-03-2015

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