

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

WRIT APPEAL No. 306 OF 2015

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PC: (per the Hon'ble Sri Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

This writ appeal is directed against the order dated 18-11-2013 passed in Writ Petition No.7656 of 2002, filed by the respondent, challenging the order dated 11-07-2001 passed by the Industrial Tribunal cum Labour Court, Godavarikhani. The appellant also prayed for reinstatement with continuity of service and other consequential benefits.

The learned Judge allowed the writ petition partly. The operative portion of the order reads thus:

“Accordingly it was found that Charges 1, 3 and 4 are proved against the petitioner. Consequently, the writ petition is allowed. The petitioner is directed to be reinstated into service. The petitioner is imposed penalty of reinstatement without back wages during the period of absence and also withholding of three annual increments without cumulative effect. He shall however, be entitled to continuity of service and attendant benefits. The respondent shall implement the orders within eight weeks from the date of receipt of copy of this order.”

After having heard learned counsel for the parties, when we told learned counsel for the respondent as to what order we propose to pass in the writ appeal, having regard to over all facts and circumstances of the case, he fairly stated that we need not record reasons for passing such an order and he agreed for the following order:

“The order of reinstatement passed by the learned Judge without back wages stands confirmed. Insofar as punishment of withholding of three annual increments without cumulative effect is concerned, is modified to withholding of three annual increments with cumulative effect. He shall be entitled to continuity of service with attendant benefits. The attendant benefits, however, shall not be extended for the period during which he did not work. The rest of the order passed by the learned Judge stands confirmed.”

With this modification, the writ appeal is disposed of.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, J

A. RAMALINGESWARA RAO, J

20-04-2015

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