

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.13987 OF 2003

ORDER:

When the matter is called, it is submitted by the learned counsel for the petitioner that the issue in the present writ petition is squarely covered by the orders of this Court in W.P.No.25065 of 2003, dated 18.02.2016 and a copy of the said order is also placed on record.

2. In the above said order, this Court referred to the earlier orders of this Court in W.P.No.4853 of 2006, dated 31.10.2013 and W.P.No.3566 of 2003, dated 04.08.2009. In W.P.No.3566 of 2003, at paragraph Nos.4 and 5, this Court held as under:

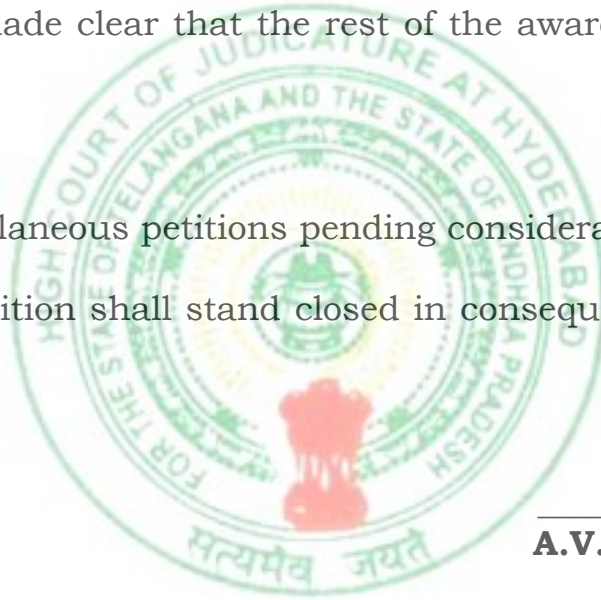
“4. When once the 1st respondent-Industrial Tribunal ordered reinstatement of the petitioner as conductor afresh, in my considered view, it ought not to have further ordered for stoppage of four annual increments with cumulative effect. The petitioner had lost his seniority, attendant benefits, back wages and the only benefit he derived from the award of the Tribunal is his reinstatement as conductor afresh.

5. Keeping in view the fact that the charges levelled against the petitioner are trivial in nature, ordering of stoppage of four annual increments with cumulative effect, in my considered view, would be disproportionate to the misconduct alleged against the petitioner. Hence, the award of the Tribunal is liable to be set aside to that extent.”

3. A perusal of the pleadings in record shows that the petitioner herein also stands on the same footing.

4. For the aforesaid reasons and following the earlier orders referred to supra, this writ petition is also allowed, setting aside the impugned award dated 20.06.2002 in I.D.No.278 of 2000, passed by the Industrial Tribunal-cum-Labour Court, Anantapur, to the extent of ordering reduction of pay to three annual increments with cumulative effect. It is further made clear that the rest of the award shall remain intact.

5. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.



A.V.SESHA SAI, J

14.12.2016
SS