

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.8590 of 2001

ORDER

Heard Sri Taddi Nageswara Rao, learned counsel appearing for the petitioner, Sri S.V.Ramana, learned Standing Counsel appearing for the 1st respondent and learned Government Pleader for Labour appearing for the 2nd respondent.

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with Award in I.D.No.182 of 1993, dated 15.05.1997 passed by the Labour Court, Visakhapatnam, and quash the same by holding it as arbitrary and illegal, and consequently, to set aside the punishment of stoppage of the increments with cumulative effect.

It is the case of the petitioner that he was appointed as Conductor in the respondent-Corporation on 15.11.1986; that while working as such, he had suffered serious health issues, applied for medical leave; that after recovering from jaundice, he reported to duty; that the respondent-Corporation has construed the absence of the petitioner as misconduct and initiated disciplinary proceedings; that

after conducting a detailed enquiry, the respondent-Corporation has imposed the punishment of withholding increment for two years with cumulative effect *vide* order dated 14.08.1991; that challenging the same, the petitioner has filed I.D.No.182 of 1993 before the Industrial Tribunal-cum-Labour Court, Visakhapatnam, which *vide* its order dated 15.05.1997 passed a Nil Award by declining to interfere with the said punishment imposed by the respondent-Corporation; and that questioning the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contends that the Tribunal failed to appreciate the case that it should have interfered with the punishment imposed by the respondent-Corporation. Learned counsel further contends that atleast the Tribunal ought to have modified the punishment of stoppage of increment for two years with cumulative to that of without cumulative effect.

Learned Standing Counsel appearing for the 1st respondent contends that the disciplinary authority has taken a lenient view for the proven misconduct and rightly imposed the punishment and hence, no interference is called for by this Court.

I have heard the rival submissions made by the learned counsel on either side.

The petitioner could not point out any glaring irregularity in the Award passed by the Tribunal and that the respondent-Corporation had rightly imposed the punishment of deferment of annual grade increment for a period of two years with cumulative effect that too after conducting regular enquiry. I do not see any perversity in the order passed by the disciplinary authority, which was confirmed by the Tribunal in I.D.No.182 of 1993. The writ petition is devoid of merits.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

29th December, 2017
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