

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.26387 OF 2000

ORDER:

1. This writ petition is filed challenging the award in I.D.No.94 of 1994, dated 9.7.1996 only to the extent of denial of backwages and imposition of penalty of stoppage of three increments.
2. Heard Sri B. Sudhakar Reddy, learned Counsel for the petitioner and Sri A. Ravi Babu, learned Standing Counsel for the 2nd respondent.
3. It has been contended by the learned Counsel for the petitioner that the petitioner was removed from service vide proceedings dated 22.10.1993 and aggrieved by the same, he preferred an appeal before the appellate authority and that the appellate authority rejected the appeal on 29.3.1994, and that the review filed by the petitioner was also rejected and hence, the petitioner filed I.D.No.94 of 1994 before the 1st respondent-Industrial Tribunal-cum-Labour Court, Godavarikhani and that the 1st respondent passed an award dated 9.7.1996 directing the 2nd respondent herein to reinstate the petitioner into service with continuity of service and attendant benefits in respect of increments only and without any backwages and further directing the 2nd respondent to withhold three increments by way of penalty, and that the 2nd respondent reinstated the petitioner into service and after getting reinstatement, the petitioner filed this writ petition challenging the award passed by the 1st respondent only to the extent of denial of backwages and stoppage of three increments. Further, it has been contended by the learned Counsel for the petitioner that during the pendency of this writ petition, the petitioner retired from service.

4. The petitioner was a conductor in the 2nd respondent-Depot and he was removed from service on the allegations of misappropriation and selling of tickets un-serially. Challenging the said removal order, the petitioner preferred Industrial Dispute before the 1st respondent. The 1st respondent having found that the charge of misappropriation was not proved and that the charge of selling of tickets un-serially was only proved, observed that imposing of penalty of removal is excessive, and the withholding of three increments would meet the ends of justice. Taking into consideration the gravity of the charge proved, the 1st respondent passed the award impugned herein. The 1st respondent has already taken a lenient view in ordering for reinstatement of the petitioner. Having regard to the reasons recorded by the 1st respondent and the submission made by the learned Counsel for the petitioner that the petitioner has already retired from service, this Court is not inclined to interfere with the award passed by the 1st respondent.

5. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

(ABHINAND KUMAR SHAVILI,J)

22nd November, 2017
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22.11.2017

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