

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.7480 OF 2004

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ, order or direction more particularly one in the nature of Writ of Certiorari and after calling for the records in I.D.No.30/1999, dt. 23.08.2000 on the file of the Hon'ble 1st respondent in so far as denying back wages and with holding three (3) annual increments with cumulative effect to the petitioner is illegal, arbitrary and unjust and consequently quash the Award in I.D.No.30/1999, dt. 23.08.2000 by granting back wages, annual increments to the petitioner and pass such other order or orders as this Hon'ble Court may deems fit and proper under the circumstances of the case.”

Heard Sri G.Ravi Mohan, learned counsel appearing for the petitioner, and Sri P.Vinayaka Swamy, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that he was appointed as Conductor in the respondent-Corporation on 29-10-1979 and was discharging his duties as such. While so, a check was exercised by the checking officials and it was found that the petitioner had indulged in cash and ticket irregularities. His conduct was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry and for the proven misconduct, the disciplinary authority had terminated him from services *vide* proceedings dated 6.6.1997.

The appeal and the review preferred by the petitioner were dismissed. Challenging the same, the petitioner filed I.D.No.30 of 1999 before the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad. The Labour Court passed an Award on 23.08.2000 by setting aside the removal order, directing the respondent-Corporation to reinstate the petitioner into service with continuity of service, with all other attendant benefits, without back wages and imposing the punishment of withholding of three annual increments with cumulative effect. Questioning the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contends that the punishment of withholding of annual increment for a period of three years with cumulative effect is too harsh and that the Labour Court ought to have taken a lenient view and imposed the punishment of withholding of annual increment for a period of three years without cumulative effect.

Learned Standing Counsel appearing for the respondent-Corporation contends that after taking a lenient view, the Labour Court has rightly passed the Award and that the writ petition is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered

view that the Labour Court ought to have imposed the punishment of withholding of annual increment for a period of three years without cumulative effect instead of with cumulative effect. Therefore, ends of justice would be met if the punishment imposed by the Labour Court is modified to that of withholding of annual increment for a period of three years without cumulative effect.

Accordingly, the Writ Petition is disposed of modifying the punishment imposed by the Labour Court to that of withholding annual increment for a period of three years without cumulative effect, without monetary benefits. In all other aspects, the rest of the Award is confirmed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

24th December, 2018
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