

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.14914 OF 2004

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with I.D.No.19/2001 on the file of the Industrial Tribunal-II, Hyderabad, and to quash the award passed therein, on 6.4.2002, insofar as upholding the punishment of deferment of increment for a period of one year in pursuance of the order passed by the 2nd respondent dated 20.6.1996.

2. Heard Sri A.K. Jayaprakash Rao, learned Counsel for the petitioner and Sri N. Vasudeva Reddy, learned Standing Counsel for the respondent- Corporation.

3. It is the case of the petitioner that he was appointed as a mechanic in the respondent-corporation on 1.2.1993 and while he was working as such, charge sheets were issued to him on 12.3.1996 and 11.3.1996 alleging that he indulged in gross negligence in maintaining the vehicles. The petitioner submitted his explanation. Being not satisfied with the said explanation the respondents have conducted enquiry and imposed punishment of stoppage of three annual increments by three separate orders for three different charges in the same year, as follows:

- (1)Deferment of one increment for a period of one year which will have effect on the future increments orders No.M/227/4/96, Narayankhed, dated 1.4.1996.
- (2)Deferment of one increment which falls next due for the period of one year which will have the effect of postponement of future increments vide order No.M/227(3)/96, Narayankhed, dated 1.4.1996.
- (3)Deferment of one annual increment for a period of one year which will have effect on future increments vide order No.1/227/C2/96, Narayankhed, dated 20.5.1996.

The petitioner preferred appeal unsuccessfully and thereafter, he raised a dispute before the conciliation officer through the union, and when the conciliation talks failed, the matter was referred to the appropriate Government and the Government vide G.O.Rt.No.2484, L.E.T. & F. (Lab-IV) Dept. dated 2.12.2000 referred the dispute under Section 10(1) (d) of the I.D. Act to the Tribunal. The learned Tribunal after adjudicating the dispute partly allowed the I.D. by setting aside the punishments imposed on 1.4.1996. However the Tribunal upheld the punishment imposed 20.6.1996. Challenging the said portion of the award, the petitioner filed present writ petition.

4. The learned Counsel for the petitioner contends that three punishments were imposed based on the same set of charges and the Tribunal has set aside two punishments only, but upheld the third punishment even though no loss has been

caused because of the alleged dereliction of duty by the petitioner.

5. The learned Standing Counsel contended that the disciplinary authority has imposed the punishments for the proven misconduct in the enquiry and the learned Tribunal upheld one of the punishments, and no further interference is called for.

6. This Court has considered the rival submissions made by the parties and perused the material available on record. From the material on record, it is clear that the Tribunal examined three sets of punishments imposed on the petitioner in pursuance of similar charge sheets, and set aside two punishments, and on the same analogy, the Tribunal ought to have exercised its powers under Section 11-(A) of the I.D. Act and set aside the punishment imposed on 20.6.1996.

7. It is an admitted fact that three punishments were imposed by the respondent-Corporation on three occasions within one year. The punishments imposed on two occasions were set aside by the Tribunal. Insofar as the third punishment is concerned, the Tribunal upheld the same. Considering the facts and circumstances of the case, this Court is of the view that ends of justice would be met if stoppage of one increment imposed by the respondent-Corporation vide order dated

20.6.1996 on the petitioner is confirmed, however, it should be without cumulative effect instead of with cumulative effect. It is made clear that the petitioner is not entitled for monetary benefits in view of the modification of the punishment by this Court. However, the benefits, which accrue by modification of this order, may be counted for notional fixation of pay of the petitioner.

8. With the above modification, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

24th August, 2018
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24.8.2018

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