

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 24125 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No. 70 of 1997 on the file of the 1st respondent-Labour Court and quash the award dated 22.11.1999 passed therein holding it as illegal and arbitrary.

Heard learned counsel for the petitioner and learned Standing Counsel for the respondent corporation.

It has been contended by the petitioner that he was appointed as Conductor in the respondent corporation on 23.05.1991 and while discharging his duties in the year 1996 the checking officials of the respondent corporation conducted a check and found that he had indulged in cash and ticket irregularities. His act was construed as misconduct and after initiating disciplinary proceedings and after conducting a regular enquiry, the disciplinary authority removed him from service vide orders dated 21.09.1996. Aggrieved thereby, he filed I.D.No.70 of 1997 on the file of the 1st respondent-Labour Court under Section 2-A(2) of the Industrial Disputes Act. The Industrial Tribunal, vide award dated 22.11.1999 modified the punishment of removal to that of deferment of two annual increments with cumulative effect without back wages but with continuity of service. Challenging the same, he filed the present writ petition.

The counsel appearing for the petitioner has contended that the Labour Court ought not to have imposed the punishment of deferment of two annual increments with cumulative effect.

The Standing Counsel appearing for the respondent has contended that the disciplinary authority had rightly imposed the punishment of removal of petitioner from service for the proven misconduct in the enquiry and the Labour Court had rightly modified the punishment to that of reinstatement of petitioner into service with continuity of service and imposing further punishment of deferment of two annual increments with cumulative effect and hence, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions made by the parties, is of the considered view that ends of justice would be met if the further punishment imposed by the labour Court is modified to that of deferment of two annual increments without cumulative effect, however, without any monetary benefits.

Accordingly, the writ petition is disposed of, modifying the punishment of deferment of two increments with cumulative effect to that of without cumulative effect, without any monetary benefits.

Consequently, miscellaneous petitions pending in the writ petition, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

14th December, 2018
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(disposed of)

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