

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2858 of 2007

ORDER:

This writ petition is filed seeking the following relief:

“To issue a writ or order, more in the nature of Writ of Certiorari call for the records in I.D.No.104 of 2004 dated 9.12.2005 on the file of Hon'ble Labour Court Godavarikhani and quash the same with all consequential benefits and further direct the respondents herein to restore the deferred 3 annual increments and treat the intervening period from the date of removal to the date of joining as on duty for all purposes with all attendant benefits including full back wages and pass such other order or orders in the interest of justice as otherwise the petitioner may suffer irreparable loss and hardship.”

When the matter is taken up for hearing, it is noticed that the petitioner is challenging the orders dated 9.12.2005 passed by the Chairman, Industrial Tribunal-cum-Labour Court, Godavarikhani, in I.D.No.104 of 2004. The petitioner sought a direction to set aside the punishment of deferment of three annual increments with cumulative effect before the Industrial Tribunal-cum-Labour Court under Section 2-A(2) of the I.D. Act. The Tribunal, vide orders dated 9.12.2005 dismissed the I.D. filed by the petitioner on the ground that the application is not maintainable as the petitioner was not challenging any order of removal, dismissal, discharge or termination. He was only challenging the punishment of deferment of three annual increments with cumulative effect. Therefore, the Labour court was right in dismissing the I.D. preferred by the

petitioner. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. The petitioner is given liberty to challenge the punishment of deferment of three annual increments with cumulative effect before the appropriate forum, if he is so advised. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 03/10/2018

lkv

