

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 15697 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with I.D.No.13 of 1999 on the file of the Labour Court-II, Hyderabad and quash the award dated 02.01.2002 passed therein insofar as not granting back wages and imposing punishment of stoppage of annual increment for seven years with cumulative effect, 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 Driver in the respondent corporation on 29.03.1976 and his services were regularized with effect from 04.12.1976. While so, he was issued with a charge sheet dated 19.11.1992 on the allegation that he was absent from duty unauthorisedly. His conduct was construed as misconduct and after initiating disciplinary proceedings and after conducting regular enquiry, the disciplinary authority removed him from service vide orders dated 14.05.1994. Questioning the same, he filed I.D.No.13 of 1999 on the file of the Labour Court-II, Hyderabad. The Labour Court vide award dated 02.01.2002 set aside the orders of removal and directed the respondent corporation to reinstate the petitioner into service with continuity of service, but without back wages. Further, the Labour Court imposed punishment of stoppage of

annual increment for seven years with cumulative effect. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner has contended that the Labour Court while setting aside the orders of removal ought to have awarded back wages and ought not to have imposed further punishment of deferment of annual increment for three years without cumulative effect.

On the other hand, learned standing counsel for the respondent corporation has contended that the disciplinary authority has rightly imposed the punishment of removal of petitioner from service and the Labour Court has also rightly modified the punishment of removal to that of reinstatement of petitioner into service with continuity of service, but without back wages. Therefore, no interference is called for from this Court.

This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that the Labour Court has rightly passed the impugned order. Further, no illegality or irregularity has been pointed out in the orders passed by the Labour Court, and unless and until grave irregularity is pointed out by the learned counsel for the petitioner, this Court cannot interfere with the impugned award. The writ petition is devoid of merits and the same is liable to be set aside.

Accordingly, the writ petition is dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

5th December, 2018
cbs



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Writ Petition No. 15697 of 2004
(dismissed)

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