

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7103 of 2011

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents as illegal and arbitrary, and consequently, to set aside the proceedings of the 3rd respondent dated 23.5.2003, and the consequential proceedings of the 2nd respondent.

2. Heard Sri S. Pradeep Kumar, learned counsel for the petitioner and Sri B. Mayur Reddy, learned Standing Counsel for respondent-Corporation.

3. Brief facts are that the petitioner was appointed as conductor on 1.8.1991. On 20.3.2001, the 1st respondent issued charge sheet to the petitioner on the allegation that he misrepresented and misused concession facilities provided by the Corporation for medical aid. Thereupon, after following the procedure, the 3rd respondent issued impugned proceedings dated 23.5.2003 imposing major penalty of deferment of annual grade increments for a period of two years with cumulative effect. Aggrieved by the same, the petitioner filed I.D.No.127 of 2005 before the 2nd respondent-Labour Court. But the 2nd

respondent-Labour Court has not granted any relief in favour of the petitioner. Hence, the petitioner filed this writ petition.

4. The learned Counsel for the petitioner contended that the Labour Court has not appreciated the contentions raised and the evidence adduced on behalf of the petitioner and that the 3rd respondent without conducting any domestic enquiry imposed major penalty, which is very disproportionate to the charge levelled against him.

5. The learned Standing Counsel for the respondent-Corporation contended that the disciplinary authority has rightly imposed punishment after following due procedure and that the Labour Court has rightly declined to interfere with the said punishment.

6. Having considered the rival contentions of the parties, this Court is of the view that ends of justice would be met if the punishment of deferment of annual grade increments for a period of two years with cumulative effect is modified to that of deferment of annual grade increments for a period of two years without cumulative effect.

7. Accordingly, the Writ Petition is disposed of modifying the punishment of deferment of annual grade increments for a period of two years with cumulative effect to that of deferment of annual grade increments for a period of two years without

cumulative effect, and directing the respondent-Corporation to grant notional benefits to the petitioner without any monetary benefits in respect of the modified punishment. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 13th November, 2018

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13.11.2018

Nn.