

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 25842 of 2002

ORDER:-

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to the Award dated 23.07.2001 in I.D.No. 184 of 1999 passed by the Labour Court-II, Hyderabad and quash the same insofar as denying back-wages and deferring two future annual increments with cumulative effect, as being illegal and arbitrary. A consequently direction is sought to direct the 2nd respondent to grant back-wages and two future annual grade increments.

Heard Sri G. Ravi Mohan, learned counsel for the petitioner and Sri A.Ravi Babu, learned Standing Counsel for A.P.S.R.T.C. appearing on behalf of the 2nd respondent and perused the material placed on record.

The brief facts of the case are that the petitioner was initially appointed as Conductor in the respondent – Corporation in 1987. While the petitioner was conducting bus in February, 1998, checking officials of the Corporation conducted sudden check and found that the petitioner had indulged in cash and ticket irregularities. The respondent – Corporation construed the petitioner's conduct as misconduct. After conducting a detailed enquiry, the disciplinary authority, by proceedings dated 08.06.1998, imposed punishment of removal from service for the proven

misconduct. Subsequently, the petitioner unsuccessfully preferred an appeal and review. Later, he filed I.D.No. 184 of 1999 under Section 2A(2) of the Industrial Disputes Act, 1947, and the Labour Court, by Award dated 23.07.2001, set aside the punishment of removal from service and directed reinstatement with continuity of service, but without back-wages and deferred two future annual grade increments with cumulative effect. Challenging the same, the present writ petition is filed.

The learned counsel for the petitioner contends that the Labour Court ought not to have imposed another major punishment of deferment of two future annual grade increments with cumulative effect and it ought to have at least imposed deferment of two annual grade increments without cumulative effect. He further submits that the Labour Court, has no doubt, passed the Award by applying proportionality theory, and even on merits, it held that the charges are technically proved, but gave a specific finding that the petitioner is not guilty of the charges.

The learned Standing Counsel for the respondent-Corporation has contended that the Labour Court has rightly passed the Award and as no illegality or irregularity has been pointed out by the petitioner, this Court should not interfere

with the Award passed by the Labour Court and the same is liable to be dismissed.

Having considered the rival contentions of the learned counsel for both the parties, this Court is of the opinion that ends of justice would be met if the punishment as ordered by the Labour Court that two annual grade increments with cumulative effect is modified to that of two annual grade increments without cumulative effect and without monetary benefit, and the rest of the award is confirmed.

With these observations, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.



ABHINAND KUMAR SHAVILI, J

23-10-2018

bcj