

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.17923 of 2004

ORDER:

This writ petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit the petitioner herein prays that this Hon’ble court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent No.1, in not granting attendant benefits along with back wages and postponement of one year annual grade increment with cumulative effect as illegal, null and void and consequently direct the 2nd respondent to pay the attendant benefits with back wages, modify the postponement of annual grade increment with cumulative effect for a period of one year and pass such other order or orders as are deem fit and proper in the interest of justice”.

Heard Sri S.Pradeep Kumar, the learned counsel for petitioner, the learned Government Pleader for Labour, (T) and Sri V.T.M.P:rasad, the learned Standing Counsel for Respondent No.2.

The brief facts are that the petitioner was appointed as conductor in the respondent Corporation on 10-10-1986. While he was driving the bus, on 13-7-1994 in route No.100K, from Koti to SBI Colony, a check was exercised by the T.TI’s at stage No.2 at about 13.10 Hrs. He was issued a charge memo alleging certain charges and was asked to submit his explanation. A charge sheet and suspension order dated 28-7-1994 were issued. He submitted his explanation, denying the charges and thereupon, the respondent Corporation has initiated disciplinary proceedings against him

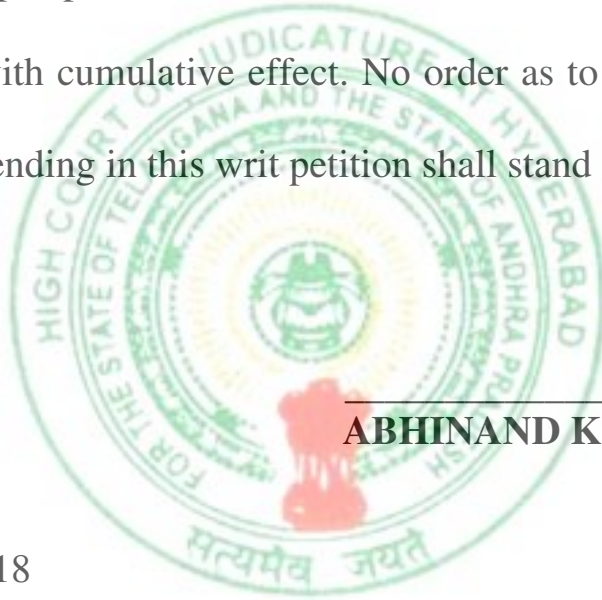
alleging misconduct. After conducting regular enquiry, the respondent issued a show cause notice and the petitioner submitted explanation, denying the allegations. He was removed from service vide order dated 23.02.1995. Challenging the said order, the petitioner preferred appeal and revision and the appellate authority as well as revisional authority rejected the same. Aggrieved by the same, the petitioner preferred I.D.No.80 of 1999 under Section 2-A(2) of Industrial Disputes Act, 1947. By order dated 16-03-2000, the Industrial Tribunal-II, Hyderabad was pleased to pass order in favour of the petitioner by setting aside the order of removal and directed the respondent Corporation to reinstate the petitioner with continuity of service but without back wages. The Labour Court further stated that after reinstatement, the petitioner is liable for punishment of postponement of one annual increment with cumulative effect. Challenging the same, the petitioner filed the present writ petition.

Learned counsel for the petitioner contended that the Industrial Tribunal-II has ordered for reinstatement of the petitioner with continuity of service but without back wages and after such reinstatement, the petitioner is liable for punishment of postponement of one annual increment with cumulative effect instead of without cumulative effect.

Learned Standing Counsel for the respondent Corporation contended that the Tribunal had rightly modified the major punishment of removal to that of reinstatement of the petitioner with continuity of service, but without back wages and, after reinstatement, the petitioner is liable for punishment of postponement of one annual increment with cumulative effect.

Having considered the rival contentions of the parties, this Court is of the considered view that the Tribunal has modified the punishment of removal to that of reinstatement of the petitioner with continuity of service but without back wages and, after reinstatement, the petitioner is liable for punishment of postponement of one annual increment with cumulative effect.

. In view of the above, the Writ Petition is disposed of directing the respondent Corporation for reinstatement of the petitioner with continuity of service without back wages. After such reinstatement the petitioner is liable for punishment of postponement of one annual increment without cumulative effect instead of with cumulative effect. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.



ABHINAND KUMAR SHAVILI, J

11th December, 2018

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