

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 15274 of 2005

ORDER:

This writ petition is filed seeking a writ of certiorari calling for the records in connection with I.D.No.54 of 1996 on the file of the Labour Court-II, Hyderabad and quash the award dated 08.03.1999 passed in the said I.D., only to the extent of forfeiture of three annual increments and not granting continuity of service, back wages and attendant benefits.

Heard learned counsel for 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 01.04.1975. While so, he was issued with a charge sheet dated 26.07.1995 on the allegation of unauthorized absence from duty. After initiating disciplinary proceedings and after conducting a regular enquiry, the disciplinary authority imposed on him punishment of removal from service vide orders dated 13.06.1995. Challenging the said orders, he unsuccessfully preferred an appeal and thereafter filed I.D.No.54 of 1996 on the file of the Labour Court-II, Hyderabad, under Section 2-A(2) of Industrial Disputes Act, 1947. By award dated 08.03.1999, the Labour Court set aside the orders of removal and directed reinstatement of the petitioner into service, without back wages and attendant benefits. Further, the Labour Court imposed punishment of

forfeiture of three annual increments of the petitioner after reinstatement. Challenging the same, he filed the present writ petition only to the extent of forfeiture of three annual increments and denial of continuity of service, back wages and attendant benefits.

Learned counsel for the petitioner contended that the Labour Court cannot impose alternative punishment of forfeiture of three annual increments of the petitioner while setting aside the orders of removal and further contended that the petitioner is also entitled for continuity of service, back-wages and attendant benefits.

Learned Standing Counsel for the respondent Corporation contended that the Labour Court had rightly modified the major punishment of removal to that of reinstatement of the petitioner into service and forfeiture of three annual increments and, therefore, no interference is called for from this Court.

Having considered the rival contentions of the parties, this Court is of the considered view that while setting aside the orders of removal, the Labour Court ought not to have imposed the punishment of forfeiture of three annual increments. Therefore, ends of justice would be met if the award of the Labour Court to the extent of forfeiture of three annual increments of the petitioner is modified to that of deferment of three annual increments of the petitioner without cumulative effect.

In view of the above, the Writ Petition is disposed of and the award of the Labour Court to the extent of forfeiture of three annual increments of the petitioner after reinstatement is modified to that of deferment of three annual increments of the petitioner without cumulative effect and the respondent Corporation is directed to grant notional benefits to the petitioner without any monetary benefits.

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

28th December, 2018
cbs

ABHINAND KUMAR SHAVILI, J



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Writ Petition No. 15274 of 2005
(disposed of)

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