

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No. 19337 of 2004**

**ORDER:**

This writ petition is filed seeking a writ of certiorari calling for the records in connection with I.D.No.7 of 2001 on the file of the Industrial Tribunal-cum-Labour Court, Hyderabad, and quash the award dated 26.03.2003 passed in the said I.D., only to the extent of withholding of one annual increment with cumulative effect and not granting back wages.

Heard learned counsel for petitioner and learned Standing Counsel for the respondent corporation.

The brief facts are that the petitioner was appointed as Conductor in the respondent Corporation in March, 1997 and while he was discharging his duties on 19.05.1999 the officials of the respondent corporation conducted a check and found that he had indulged in cash and ticket irregularities. The respondent corporation construed his conduct as misconduct and after initiating disciplinary proceedings and after conducting a regular enquiry, the disciplinary authority imposed on him punishment of removal from service vide orders dated 15.11.1999. Challenging the said orders, he unsuccessfully preferred an appeal and thereafter filed I.D.No.7 of 2001 on the file of the Industrial Tribunal-cum-Labour Court, Hyderabad under Section 2-A(2) of Industrial Disputes Act, 1947. By award dated 26.03.2003, the Labour Court set aside the orders of

removal and directed reinstatement of the petitioner into service with continuity of service with deferment of one annual grade increment with cumulative effect, but without back wages and attendant benefits. Challenging the same, he filed the present writ petition only to the extent of withholding of one annual grade increment with cumulative effect and denial of back wages and attendant benefits.

Learned counsel for the petitioner contended that the Labour Court cannot impose alternative punishment of withholding of one annual grade increment with cumulative effect while setting aside the orders of removal and further contended that the petitioner is also entitled for 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 with continuity of service, but without back wages and attendant benefits and withholding of one annual grade two increment with cumulative effect 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 the while setting aside the orders of removal, the Labour Court ought not to have imposed the punishment of withholding of one annual grade increment with cumulative effect. Therefore, ends of justice would be met if the order

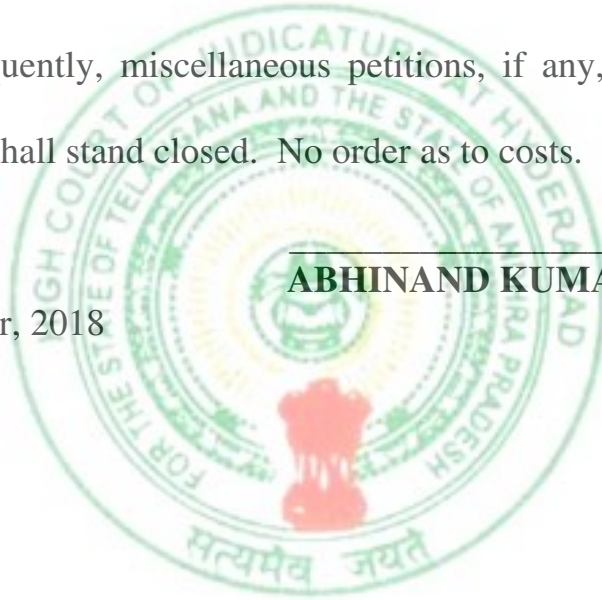
of the Labour Court to the extent of withholding of one annual grade increment with cumulative effect is modified to that of without cumulative effect.

In view of the above, the Writ Petition is partly allowed and the order of the Labour Court to the extent of withholding of one annual grade increment with cumulative effect is modified to that of 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.

13<sup>th</sup> December, 2018  
cbs

**ABHINAND KUMAR SHAVILI, J**



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No. 19337 of 2004  
(partly allowed)

13<sup>th</sup> December, 2018

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