

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.17660 OF 2002

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and in connection with I.D.No.259 of 1999 on the file of the Industrial Tribunal-cum-Labour Court, Anantapur and quash the award dated 30.03.2002, published in G.O.Rt.No.1171, Labour Employment Training and Factories (LAB-I) Department dated 30.04.2002, only to the extent of deferment of four annual increments with cumulative effect and not granting continuity of service, back wages and attendant benefits.

Heard Sri R.Chandra Reddy, learned counsel for petitioner and learned standing counsel for the respondent-Corporation.

It is the case of the petitioner that he was appointed as a conductor in the respondent-Corporation during May, 1992 and while he was discharging his duties on 07.11.1998, 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 the punishment of removal from service vide orders dated 06.03.1999. The appeal and review preferred by the petitioner against the order of removal were dismissed. Aggrieved thereby, the petitioner preferred I.D.No.259 of 1999 under Section 2-A(2) of Industrial Disputes Act, 1947 (for short 'the Act') before the Labour Court, Anantapur. By order dated 30.03.2002, the Labour Court was pleased to pass order in favour of the petitioner by setting aside the order of removal and directed the respondent-Corporation to issue fresh appointment to the petitioner as a conductor, but without back wages

and attendant benefits. Further, the Labour Court imposed the punishment of deferment of four annual increments with cumulative effect. Challenging the same, the petitioner filed the present writ petition only to the extent of deferment of four annual increments with cumulative effect 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 deferment of four annual increments with cumulative effect while setting aside the order 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 as fresh recruit and deferment of four annual increments 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 while setting aside the order of removal, the Labour Court ought not to have imposed the punishment of deferment of four annual increments with cumulative effect. Therefore, ends of justice would be met if the order of the Labour Court to the extent of deferment of four annual increments 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 deferment of four annual increments 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.

ABHINAND KUMAR SHAVILI, J

DATED: 01.11.2018

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