

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.NO.16918 OF 2002

ORDER:

The petitioner was working as Conductor in the 1st respondent – Corporation. On the ground of cash and ticket irregularities, he was removed from service vide proceedings dated 26-07-1995 and challenging the same, he raised I.D.No.79 of 2000 on the file of Industrial Tribunal – II, Hyderabad. Vide the impugned award dated 04-07-2001, the Tribunal found that the charges levelled against the petitioner cannot be considered grave leading to removal of service and accordingly in exercise of discretionary jurisdiction under Section 11-A of the Industrial Disputes Act, 1947, the Tribunal has set aside the order of removal and ordered for reinstatement of the petitioner with continuity of service, but without back wages and without increments for a period of three years from the date of joining duty on reinstatement with cumulative effect. Challenging the same, the present writ petition has been filed.

Learned counsel for the petitioner submits that this court in identical set of facts and circumstances in W.P.No.10684 of 2002 dated 13-08-2018 modified the punishment of withholding of three increments, without cumulative effect and directed the Corporation to grant notional benefits to the petitioner without any monetary benefits. Learned counsel sought to pass similar order.

Heard Sri K.Karinath, learned Standing Counsel for 1st respondent – Corporation.

Having regard to the facts and circumstances of the case and in view of order in W.P.No.10684 of 2002 dated 13-08-2018 and for the reasons alike, the present writ petition is disposed of modifying the impugned punishment to the

effect that withholding of three annual grade increments for a period of three years, shall not have cumulative effect. Further, the corporation is directed to grant notional benefits to the petitioner without any monetary benefits. The order of the Labour Court, while modifying the punishment of removal to that of non-releasing of increments for a period of three years from the date of reinstatement with cumulative effect, is too harsh. This court is of the considered view that the ends of justice would be met, if the modified punishment of non-releasing of increments for a period of 3 years from the date of reinstatement with cumulative effect is modified to that of without cumulative effect and the rest of the award is confirmed.

With the above observations, the Writ Petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

ABHINAND KUMAR SHAVILI,J

DATE:10—12—2018

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