

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23880 OF 2003

ORDER:

1. This Writ Petition is filed seeking to issue a writ of *certiorari* calling for the records relating to and connected with I.D. No.66 of 2001 on the file of Industrial Tribunal-cum-Labour Court, Anantapur (for short, 'the Industrial Tribunal') and quash the award, dated 20.05.2003, passed therein holding it as illegal and arbitrary.

2. Heard Sri G.Ravi Mohan, learned counsel, appearing for the petitioner – workman, learned Government Pleader for Labour, appearing on behalf of the 1st respondent, and Sri P.Vinayaka Swamy, learned Standing Counsel, appearing for the 2nd respondent – Corporation.

3. It has been contended by the petitioner that he was appointed as Conductor in the 2nd respondent - Corporation in the year 1973. While he was conducting the bus bearing No.AEZ-2052, on 21.04.1991, a check was exercised by the checking officials and certain cash and ticket irregularities were detected and thereupon, the respondent – Corporation had initiated disciplinary proceedings against him alleging misconduct. After conducting regular enquiry, the petitioner was imposed with the punishment of deferment of annual increment for a period of one year with cumulative effect. Challenging the same, he preferred appeal and thereafter revision but the same were rejected. Aggrieved thereby, the petitioner raised an industrial dispute before the Conciliation Officer in the unit and upon failure of conciliation talks, the dispute was referred to the Industrial Tribunal under Section 10(1)(c) of the Industrial Disputes Act, 1947 and the same was numbered as I.D. No.66 of 2001; wherein, the Industrial Tribunal, *vide* orders dated 20.05.2003, was pleased to pass an award in favour of the petitioner - workman holding that the Depot

Manager, Allagadda, was not justified in imposing the punishment of deferment of annual increment for a period of one year with cumulative effect and modified the same to that of deferment of annual increment for a period of four years without cumulative effect. Challenging the same, the present writ petition is filed.

4. Learned counsel appearing on behalf of the petitioner – workman had contended that the modified punishment of deferment of annual increment for a period of four years without cumulative effect is too harsh and that the Industrial Tribunal ought to have taken a lenient view and imposed the punishment of deferment of annual increment for a period of one year without cumulative effect and contends that appropriate orders be passed by setting-aside the award dated 20.05.2003, passed by the Industrial Tribunal in I.D. No.66 of 2001.

5. Learned standing counsel appearing for the 2nd respondent corporation had contended that the charges framed against the petitioner are very serious in nature and the disciplinary authority had imposed the punishment of deferment of annual increment for a period of one year with cumulative effect. Learned standing counsel further contended that though the appellate authority and revisional authority dismissed the appeal and revision respectively, the Industrial Tribunal had taken a lenient view and modified the punishment to that of deferment of annual increment for a period of four years without cumulative effect and therefore no further lenient view can be taken and the writ petition is liable to be dismissed.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that the Industrial Tribunal has rightly passed orders in favour of the petitioner – workman and the petitioner - workman could not pointed out any grave irregularity or illegality in the

orders passed by the Industrial Tribunal. Hence, this Court is not inclined to interfere with the orders passed by the Industrial Tribunal.

7. There are no merits in the writ petition and the writ petition is, accordingly, dismissed. No order as to costs.

8. Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 18.12.2018.
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HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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