

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.2339 OF 2004

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ, order or direction more particularly Writ of Mandamus calling for the records pertaining to the Award dated 7.8.2000 in I.D.No.22/2000 on the file of the Industrial Tribunal-II, Hyderabad and set aside the said Award whereby the Industrial Tribunal-II directed the differment of one annual increment of the writ petitioner with cumulative effect in the interest of justice and pass such other order or orders which the Hon'ble High Court may deem fit and proper in the circumstances of the case.”

Heard Sri A.Ushi Reddy, learned counsel appearing for the petitioner, Sri K.Madhava Reddy, learned Standing Counsel appearing for the 1st respondent-Corporation and learned Government Pleader for Labour appearing for the 2nd respondent.

It is the case of the petitioner that he was appointed as Driver in the respondent-Corporation and was discharging his duties as such. While so, on 30-09-1997, he caused an accident, due to which, a cyclist received simple injuries. Construing this incident as misconduct, the disciplinary authority had imposed the punishment of deferment of annual increment for a period of two years with cumulative effect. Aggrieved by the same, he filed I.D.No.22 of 2000 before the 2nd respondent-

Industrial Tribunal-II, Hyderabad. The Tribunal passed the impugned Award on 7.7.2000 modifying the punishment imposed by the disciplinary authority to that of differment of one annual increment with cumulative effect. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contends that the punishment of withholding of one annual increment with cumulative effect is too harsh and that the Labour Court ought to have taken a lenient view and imposed the punishment of withholding of one annual increment without cumulative effect.

Learned Standing Counsel appearing for the respondent-Corporation contends that after taking a lenient view, the Labour Court has rightly passed the Award and that the writ petition is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the Labour Court ought to have imposed the punishment of withholding of one annual increment without cumulative effect instead of with cumulative effect. Therefore, ends of justice would be met if the punishment imposed by the Labour Court is modified to that of withholding of one annual increment without cumulative effect.

Accordingly, the Writ Petition is disposed of modifying the punishment imposed by the Labour Court to that of withholding one annual increment without cumulative effect, without monetary benefits. In all other aspects, the rest of the Award is confirmed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

24th December, 2018
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JUSTICE ABHINAND KUMAR SHAVILI

