

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23970 OF 2004

ORDER:

This writ petition is filed seeking a Writ of Certiorari to call for the records in I.D. No.32 of 2000 and quash the Award, dated 07.09.2001, passed by the Chairman, Industrial Tribunal - cum - Labour Court, Godavarikhani, in the said I.D.

2. I.D. No.32 of 2000 was filed by the petitioner challenging the orders of appellate authority - respondent No.2 herein, wherein the appellate authority has modified the punishment of removal ordered by respondent No.1 to that of punishment of reduction of pay by two incremental stages for a period of two years, which will have effect on future increments. The said I.D. was dismissed by the Industrial Tribunal confirming the order passed by the appellate authority. Challenging the order passed by the Industrial Tribunal in the said I.D., the present writ petition is filed by the petitioner.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

4. Learned counsel for the petitioner would contend that the appellant authority - respondent No.2 ought to have applied the principles of proportionality theory and imposed a punishment of reduction of pay by two incremental stages without any effect on

future increments, and that the Industrial Tribunal has failed to appreciate the same and dismissed the I.D. mechanically.

5. Having considered the above submission made by the learned counsel for the petitioner, this Court is of the considered view that the punishment imposed by respondent No.2 as reduction of pay by two incremental stages for a period of two years, which will have effect on future increments is modified to that of without any effect on future increments. However, the said modified punishment, as ordered herein, will be given effect without any monetary benefit to the petitioner, and the same will be granted for the purpose of terminal benefits without arrears.

6. With the above observation, the present Writ Petition is disposed of. However, in the circumstances of the case, there shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present writ petition stand closed.

ABHINAND KUMAR SHAVILI, J

December 15, 2018

Mgr