

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 3531 of 2007

ORDER:-

This writ petition is filed for the following substantive relief:

“...to issue an order in the nature of Writ of Certiorari calling for the records relating to I.D.No. 25 of 2003, dated 30.06.2003 passed by the 1st respondent – Industrial Tribunal-cum-Labour Court and quash the Award dated 30.06.2003 insofar as denying back-wages and imposing punishment of deferment of three annual increments of the petitioner, as the same is illegal, arbitrary and unjust, and consequently set aside the same and grant back-wages and increments to the petitioner.”

Heard Sri G. Ravi Mohan, learned counsel for the petitioner and Sri A. Ravi Babu, learned Standing Counsel for A.P.S.R.T.C. appearing on behalf of the 2nd respondent and perused the material placed on record.

The case of the petitioner is that he was initially appointed as Driver on daily wage basis in 1987 and his services were regularized on 01.07.1988. While the petitioner was discharging his duties during 2002, he had indulged in a fatal accident, and the disciplinary authority, construed the petitioner's conduct as misconduct and initiated disciplinary proceedings against him, and after conducting detailed enquiry, the disciplinary authority, by order dated 01.11.2002, imposed punishment of removal from service for the proven misconduct. Thereafter, the petitioner unsuccessfully

preferred an appeal and review, and subsequently filed I.D.No. 25 of 2003 under Section 2-A(2) of the Industrial Disputes Act, 1947, and the Industrial Tribunal-cum-Labour Court, Godavarikhani, vide Award dated 30.06.2003, set aside the order of removal by applying proportionality theory, but while granting relief in exercise of its power under Section 11-A of the Act, imposed another major penalty of stoppage of three annual grade increments with cumulative effect and denied back-wages. Challenging the same, the present writ petition is filed.

The learned counsel for the petitioner contends that the Labour Court erred in imposing punishment of stoppage of annual grade increments for a period of two years with cumulative effect and denying back-wages, and prays that this writ petition be allowed directing the 2nd respondent to pay back-wages and also to modify the punishment from stoppage of three annual grade increments with cumulative effect to without cumulative effect as the charges leveled against the petitioner were not proved in the enquiry.

The learned Standing Counsel contends that the Labour Court has rightly passed the Award in favour of the petitioner and no illegality or irregularity has been pointed out by the petitioner so as to interfere with the orders of the Labour Court and the writ petition is liable to be dismissed.

This Court, having considered the rival contentions of both the parties, is of the opinion that the Labour Court has rightly passed the Award in favour of the petitioner and modified the punishment of removal from service to that of stoppage of three annual grade increments with cumulative effect. Inasmuch as no illegality or irregularity has been pointed out in the impugned Award passed by the Labour Court, the same does not warrant any interference by this Court.

Hence, the writ petition is devoid of merit, and the same is accordingly, dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.



ABHINAND KUMAR SHAVILI, J

23-10-2018

bcj