

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.6152 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.62 of 2000 on the file of Industrial Tribunal-cum-Labour Court-III, Hyderabad (for short, 'the Industrial Tribunal') and quash the award, dated 12.02.2002 passed in the aforesaid I.D. only to the extent of withholding of two annual increments and not granting back wages.

2. Heard Sri G.Ravi Mohan, learned counsel for the petitioner, and learned Standing Counsel, appearing for the 2nd respondent - APSRTC.

3. The brief facts are that the petitioner was appointed as Conductor in the respondent – Corporation in the year 1990 and that, on 14.04.1998, while he was conducting the bus, 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 removed from service *vide* order dated 17.08.1998. Challenging the said order, the petitioner preferred an Appeal and the appellate authority has rejected the same. Aggrieved by the same, the petitioner preferred I.D. No.62 of 2000 under Section 2-A(2) of the Industrial Disputes Act, 1947. By order dated 12.02.2002, the Industrial Tribunal passed an award in favour of the petitioner by setting-aside the order of removal and directing the respondent – Corporation to reinstate the petitioner into service with continuity of service but without back-wages. Further, the Industrial Tribunal imposed punishment of withholding of two annual increments with cumulative effect by way of penalty. Challenging the same, the petitioner filed the present writ petition only to

the extent of imposition of withholding of two increments with cumulative effect.

4. Learned counsel for the petitioner contended that the Tribunal cannot impose alternative punishment of withholding of two annual increments with cumulative effect while setting aside the orders of removal and further contended that the petitioner is also entitled for back-wages and attendant benefits.

5. Learned Standing Counsel for the respondent Corporation contended that the Tribunal had rightly modified the major punishment of removal to that of reinstatement of the petitioner into service with continuity of service and withholding of two increments with cumulative effect and, therefore, no interference is called for from this Court.

6. Having considered the rival contentions of the parties, this Court is of the considered view that while setting-aside the orders of removal, the Tribunal ought not to have imposed the punishment of withholding of two increments with cumulative effect. Therefore, ends of justice would be met if the award of the Tribunal to the extent of withholding of two increments with cumulative effect is modified to that of without cumulative effect.

7. In view of the above, the Writ Petition is partly allowed and the award of the Tribunal to the extent of withholding of two increments with cumulative effect is modified to that of without cumulative effect and the respondent Corporation is directed to grant notional benefits to the petitioner without any monetary benefits. No order as to costs.

8. Miscellaneous petitions, if any, pending in this writ petition shall stand closed in consequence.

ABHINAND KUMAR SHAVILI, J

Date: 18.12.2018.
Dsh

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

182



WRIT PETITION No.6152 OF 2003

Date. 18.12.2018

DSH