

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.16570 of 2005ORDER:

This writ petition is filed seeking a writ of certiorari to call for the records relating to and connected with the orders passed in I.D.No. 112 of 2003 dated 27.12.2004 by the Industrial Tribunal-cum-Labour Court and quash or set aside the same, and for a consequential direction to grant increments and arrears to the petitioner.

2. Heard Sri P.Govindarajulu, counsel for the petitioner and Sri A.Pavi Babu, Standing Counsel for the respondents.

3. It has been contended by the petitioner that he was appointed as a Driver on 11.12.1991 and while he was discharging his duties, it is alleged that he had misbehaved with the hospital staff, and the disciplinary authority had considered the said conduct of the petitioner as misconduct, and having initiated disciplinary proceedings and after conducting detailed enquiry, the punishment of deferment of one annual grade increment with cumulative effect was imposed on him, vide proceedings dated 14.12.2000. Thereafter, the petitioner has unsuccessfully filed an appeal and revision. Subsequently, he raised an industrial dispute before the Conciliation Officer and after failure report by the Conciliation Officer, the appropriate Government has referred the dispute to the Industrial Tribunal under Section 10(1)(d) of the Industrial Disputes Act, and the same was numbered as I.D.No. 112/ 2003. The Industrial Tribunal, vide orders dated 22nd December, 2004, has dismissed the I.D. preferred by the petitioner. Challenging the same, the present writ petition is filed.

4. The counsel appearing for the petitioner contends that the Labour Court ought to have imposed the punishment of deferment of one annual grade increment without cumulative effect, but the Labour Court has not interfered with the orders passed by the disciplinary authority.

5. The Standing Counsel appearing for the respondents had contended that the disciplinary authority has rightly imposed the punishment of deferment of one annual grade increment with cumulative effect for the proven misconduct in the enquiry and the Labour Court has rightly dismissed the I.D. preferred by the petitioner, and hence, there are no merits in the writ petition and the same is liable to be dismissed.

6. This Court, having heard the rival submissions made by the parties, is of the considered view that ends of justice would be met if the punishment imposed by the disciplinary authority is modified to that of deferment of one annual grade increment without cumulative effect, however, without any monetary benefits.

7. Accordingly, the writ petition is disposed of, modifying the punishment of deferment of one annual grade increment with cumulative effect to that of deferment of one annual grade increment without cumulative effect, without any monetary benefits. No order as to costs. Miscellaneous petitions pending, if any, stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 30.10.2018
DMG