

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.771 of 2008

ORDER :

Hears Sri B. Mayur Reddy, learned Standing Counsel for Telangana State Road Transport Corporation, for petitioner. None appears for 2nd respondent, even though the name of Sri P. Venkateswar Rao, is printed in the cause-list.

2. The Award dt.12.06.2007 in I.D.No.6 of 2006 of the Industrial Tribunal-cum-Labour Court, Warangal is challenged in this Writ Petition.

3. On 16.11.1985, on the ground that 2nd respondent committed certain ticket irregularities, a punishment was imposed by petitioner on the 2nd respondent of postponing future increments for a period of three (03) years besides treating the period of suspension as not on duty.

4. This matter was referred by the Government of Andhra Pradesh under Section 10 of the Industrial Disputes Act, 1947 (**for short, 'the Act'**) to the 1st respondent, and the reference was numbered as I.D.No.d6 of 2006.

5. The 1st respondent confirmed the finding of the guilt of the employee, but however, exercised its discretion under Section 11-A of the Act and modified the punishment from deferment of annual

increments for three years to deferment of annual increment for a period of one year with cumulative effect.

6. Assailing the same, the present Writ Petition is filed.

7. The counsel for petitioner contended that the workman even admitted his misconduct in his initial explanation and changed his versions subsequently at the time of giving explanation to the charge-memo, that all the charges were held proved against the petitioner, and when he raised the reference after eighteen years, the 1st respondent ought not to have interfered with the quantum of punishment imposed by the petitioner.

8. Admittedly, under Section 11-A of the Act, the Tribunal has jurisdiction to interfere with the quantum of punishment.

9. In the present case, it has observed in para no.10 of its order as under :

“10. Considering the facts and circumstances of this case, the nature of allegations made against the petitioner and the relevant material placed before the Court and also the past service of the petitioner and his inordinate delay in approaching the Court and the improper orders of the respondent under Exs.M.14 and M.15, Court feels that it is just and reasonable to modify the penalty as deferment of annual increment for a period of one year with cumulative effect besides treating the period of suspension as not on duty.”

10. In my considered opinion, the Industrial Tribunal has carefully weighed all the circumstances and modified the punishment imposed

on the 2nd respondent, and it cannot be said that it has exercised such power in an arbitrary manner.

11. I, therefore, see no reason to interfere with the impugned Award. Therefore, the Writ Petition is dismissed. No order as to costs.

12. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 12.02.2018

Ndr/*

