

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.25834 OF 2003

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the Award dated 30-07-2002 passed in I.D.No.21 of 2000 by the Industrial Tribunal-cum-Labour Court, Anantapur and to quash or set aside the same by holding it as arbitrary and illegal.

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

It is the case of the petitioner that initially, he was appointed as Conductor in the 2nd respondent-Corporation on 16-02-1989 and he was discharging his duties as such. While so, on 28.06.1995, the officials of the respondent-Corporation had exercised a check, and found that the petitioner had indulged in cash and ticket irregularities. The disciplinary authority, after conducting detailed enquiry, and for the proven misconduct, had imposed the punishment of removal from service *vide* proceedings dated 17.10.1995. Aggrieved by the same, the petitioner had filed an appeal before the appellate authority and the same was rejected *vide* order dated

28.06.1996. Questioning the same, he filed review before the 2nd respondent, who is the reviewing authority. The 2nd respondent *vide* order dated 26.08.1996 modified the punishment of removal from service to that of stoppage of two annual increments for a period of two years, which shall have effect on future increments. Challenging the same, the petitioner raised a dispute before the Conciliation Officer and when conciliation talks were failed, the appropriate Government has referred the dispute to the Labour Court, Anantapur, which was numbered as I.D.No.21 of 2000. The Labour Court passed Award on 30.07.2002 and the operative portion of the said Award reads as under:

“In the result, the order of the Review Authority is modified. The order of the Review Authority will remain in force, for the period already undergone. The petitioner is entitled to the increments as usual from the date of passing of this award.”

Aggrieved by the same, the present writ petition is filed.

The grievance of the petitioner is that from the date of passing the award, he is entitled for grant of increments, which would mean that the deferred increments will be added to him, but the respondent-Corporation is not releasing the two increments which were already withheld or deferred.

Learned Standing Counsel appearing for the respondent-Corporation contends that the Labour Court has

rightly passed the Award and no further interference is called for from this Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that when the Labour Court has categorically held that the petitioner is entitled to the deferred two annual grade increments from the date of publication of the Award, which would mean that the said deferred two annual grade increments shall be released to him.

Accordingly, the Writ Petition is disposed of. The respondent-Corporation is directed to grant deferred two annual grade increments to the petitioner from the date of publication of the Award with all consequential benefits. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

4th October, 2018
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