

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18508 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.50 of 2000 on the file of Industrial Tribunal-cum-Labour Court at Warangal (for short, 'the Industrial Tribunal') and quash the award, dated 16.07.2002, passed therein holding it as illegal and arbitrary.

2. Heard Sri Prabhakar Chikkudu, learned counsel, appearing for the petitioner – workman, learned Government Pleader for Labour, appearing on behalf of the 1st respondent, and Smt.G.Jyothi Kiran, learned Standing Counsel, appearing for the 2nd respondent – Corporation.

3. It has been contended by the petitioner that he was appointed as Conductor in the 2nd respondent - Corporation on 09.05.1977. While he was conducting the bus on 14.09.1978, 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 imposed with the punishment of deferment of annual increment for a period of four years with cumulative effect. Challenging the same, he preferred appeal and, as the same was not disposed of, the dispute was raised before the Conciliation Officer under Section 2(K) of the Industrial Disputes Act, 1947 (for short, 'the Act of 1947'), which in turn was referred to the Industrial Tribunal under Section 10(1)(c) of the Act of 1947 and the same was numbered as I.D. No.50 of 2000; wherein, the Industrial Tribunal, *vide* orders dated 16.07.2002, has passed a nil award and no relief was granted in favour of the petitioner – workman. Challenging the same, the present writ petition is filed.

4. Learned counsel appearing on behalf of the petitioner – workman had contended that the punishment of deferment of annual increment for a period of four years with cumulative effect is too harsh and that the Industrial Tribunal ought to have taken a lenient view and imposed the punishment of deferment of annual increment for a period of four years without cumulative effect and contends that appropriate orders be passed by setting-aside the award dated 16.07.2002, passed by the Industrial Tribunal in I.D. No.50 of 2000.

5. Learned standing counsel appearing for the 2nd respondent corporation had contended that the charges framed against the petitioner are very serious in nature and the disciplinary authority had imposed the punishment of deferment of annual increment for a period of four years with cumulative effect. Learned standing counsel further contended that Industrial Tribunal had rightly passed the impugned award and, therefore, no interference is called for in this writ petition and the writ petition is liable to be dismissed.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that the Industrial Tribunal ought to have imposed the punishment of deferment of annual increment for a period of four years without cumulative effect. Therefore, ends of justice would be met if the punishment imposed by the 2nd respondent and confirmed by the 1st respondent is modified to that of deferment of annual increment for a period of four years without cumulative effect instead of with cumulative effect.

7. Accordingly, the Writ Petition is disposed of modifying the punishment imposed by the 2nd respondent and confirmed by the 1st respondent to that of deferment of annual increment for a period of four

years without cumulative effect instead of with cumulative effect. It is made clear that the above modified punishment is 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.
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