

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.NO.21719 OF 2004

ORDER:

The petitioner was working as ADC/ Controller in the 1st respondent – Andhra Pradesh Road Transport Corporation and on the ground of unauthorised absence, after conducting inquiry, was terminated from service on 14-12-2001. On unsuccessfully availing the in-house remedies of appeal and review, petitioner raised I.D.No.1397 of 2002 on the file of Industrial Tribunal –cum – Labour Court, Ananthapur. The Tribunal, appreciating the entire evidence, both oral and documentary, upheld the findings of the Inquiry Officer with regard to guilt of the petitioner, but found that the punishment imposed was disproportionate to the proved misconduct and hence ordered for reinstatement of the petitioner into service with continuity of service with all attendant benefits, but without back wages. The Tribunal further ordered for deferment of annual grade increment for a period of two years with cumulative effect.

Learned counsel for the petitioner on instructions, confined his argument to the extent of deferment of two annual grade increments for a period of two years with cumulative effect. He submits that this court in similar facts and circumstances, in W.P.No.10684 of 2002 dated 17-12-2018 modified the punishment of withholding three annual grade increments with cumulative effect to that of 'without cumulative effect' and directed the Corporation to grant notional benefits to the petitioner without any financial benefit. He submits that the present writ petition may also be disposed of by modifying the punishment to the same effect.

Learned P.V.Swamy, learned Standing Counsel for the 1st respondent – Corporation, does not dispute the same.

In view of the order dated 17-12-2018 in W.P.No.10684 of 2002 and for the reasons alike, the present writ petition is disposed of modifying the impugned punishment to the effect that the annual grade increments shall be deferred for a period of two years without cumulative effect and the 1st respondent – Corporation is directed to grant notional benefits to the petitioner without any monetary benefits.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

DATE:17—12—2018
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ABHINAND KUMAR SHAVILI,J

