

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.23983 OF 2009

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking to issue writ of Certiorari calling for the records connected to I.D.No.15 of 2006 passed by the Industrial Tribunal-cum-Labour Court, Godavarikhani, dated 17.03.2008 and quash the same.

2. Heard Sri S.M.Subhan, learned counsel for the petitioner and Sri B.Mayur Reddy, learned standing counsel for the respondents.

3. It has been contended by the learned counsel for the petitioner that the petitioner was working as driver in the respondents corporation and while he was discharging duties, he caused accident. Thereafter, the corporation initiated disciplinary proceedings and the disciplinary authority, vide orders, dated 06.08.1997 imposed punishment of deferment of two annual increments for a period of two years, which was confirmed in the appeal, vide orders, dated 06.08.2002. Thereafter, the petitioner preferred I.D.No.15 of 2006 and the Labour Court, vide orders, dated 01.12.2007 modified the punishment imposed against the petitioner treating the same as deferment of one annual increment for a period of one year only with cumulative effect. Challenging the same the present writ petition is filed.

4. Learned standing counsel for the respondents contended that after following the due procedure, the respondents have imposed punishment and no illegality is committed by the respondents.

5. This Court having considered the rival contentions made by both parties, is of the considered view that the respondents have imposed punishment of deferment of one annual grade increment for a period of two years without conducting any enquiry, which was confirmed in the appeal and which was modified by the Labour Court as deferment of one annul increment for a period of one year, which is against the law laid down by the apex Court in a decision reported in **KULWANT SINGH GILL V STATE OF PUNJAB** ¹

6. In view of the same, the writ petition is allowed setting aside the impugned order, dated 01.12.2007 in I.D.No.15 of 2006 passed by the Labour Court. However, the petitioner will be entitled only for notional increment without any monetary benefit. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

DATED:12-10-2018

Hsd

¹ 1990 (2) SCALE 597