

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.18756 of 2003

ORDER

This Writ Petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon’ble Court may be pleased to issue an order or direction more particularly one in the nature of writ of “certiorari” by calling for the records relating to and in connection with the award of the Labour court passed in I.D.No.145/2000 dt.16-01-2003, which was published in the Gazettee vide GORT No.194, dt.31-1-2003, in so far as it went against to the petitioner in not granting the wages for the period out of employment and imposing punishment of different of 2 annual increments with cumulative effect besides denying attendant benefits, and as such quash the award as unjust and illegal, contrary to well established principles of law and consequently direct the Respondents herein to pay the wages for the removal period forthwith along with all benefits and wages and to pass such other order or orders as this Hon’ble court may deem fit and proper in the circumstances”.

2. Heard Sri S.M.Subhan, the learned counsel for petitioner and the learned Standing Counsel for respondent-corporation.

3. The brief facts are that the petitioner was joined as Driver in the respondent-Corporation in 1972 and that on 6-8-1989, while he was performing the duty in Bannarigadda to Narayanpet route, a check was exercised and the TTI’s of the corporation alleged certain C&T irregularities against him and thereupon, the respondent-Corporation issued a charge memo. Basing on the allegations, the Depot Manager, placed the workman under suspension and issued a charge sheet on the same day. Dissatisfied with his explanation, an enquiry was conducted and a show cause notice for removal was given and removed him from service vide proceedings dated 24-6-2000. The workman preferred an appeal and review petition and the same were rejected. Aggrieved by the same, the petitioner preferred I.D.No.145 of 2000 under Section 2-A(2) of

Industrial Disputes Act, 1947. By order dated 16-03-2003, the Industrial Tribunal was pleased to pass order in favour of the petitioner by setting aside the order of removal and directed the respondent to reinstate the petitioner into service with continuity of service, with deferment of two (2) Annual Grade Increments, with cumulative effect, without any back-wages and without attendant benefits. Challenging the same, the petitioner filed the present writ petition.

4. Learned counsel for the petitioner contended that though the Tribunal has passed an order in favour of the petitioner by setting aside the order of removal, it has directed the respondent to reinstate the petitioner into service with continuity of service with deferment of two (2) Annual Grade Increments, with cumulative effect without back wages and without attendant benefits.

5. Learned Standing Counsel for the respondent-Corporation contended that the Tribunal had rightly modified the major punishment of removal to that of reinstatement of the petitioner into service with continuity of service with deferment of two (2) Annual Grade Increments, with cumulative effect without back wages and without attendant benefits.

6. Having considered the rival contentions of the parties, this Court is of the considered view that the Tribunal has rightly modified the punishment of removal to that of reinstatement of the petitioner with continuity of service with deferment of two (2) Annual Grade Increments, with cumulative effect without back wages and without attendant benefits instead of without cumulative effect.

7. In view of the above, the Writ Petition is disposed of confirming the order of Tribunal modifying the punishment of removal to that of reinstatement of the petitioner with continuity of service with deferment of two (2) Annual Grade

Increments, with cumulative effect without back wages and without attendant benefits. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

17th December, 2018
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