

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 18940 of 2009

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to and connected with I.D.No. 73 of 2002 on the file of the Labour Court, Guntur, and quash the award dated 07.03.2007 passed therein holding it as illegal and arbitrary.

Heard Sri P.Govindarajulu, counsel for the petitioner and Sri K. Madhava Reddy, Standing Counsel for the respondent.

It has been contended by the petitioner that he was appointed as Conductor in the respondent corporation and while working as such, on the allegation of mis-behaviour towards a lady passenger, a charge sheet was issued to him. After initiating disciplinary proceedings and after conducting a regular enquiry, the disciplinary authority imposed on him punishment of reduction of pay by two incremental stages for a period of two years with cumulative effect besides treating the period of suspension as not on duty. Aggrieved thereby, he raised an industrial dispute before the Conciliation Officer and after failure of the conciliation proceedings, the Government referred the dispute to the Labour Court, Guntur under Section 10(1)(c) of the Industrial Disputes Act, and the same was numbered as I.D.No. 73 of 2002. The Industrial Tribunal, vide orders dated 07.03.2007 had dismissed the I.D. Challenging the same, he filed the present writ petition.

The counsel appearing for the petitioner has contended that the Labour Court ought to have imposed the punishment of reduction of pay by two incremental stages for a period of two years without cumulative effect, but the Labour Court has not interfered with the orders passed by the disciplinary authority.

The Standing Counsel appearing for the respondent has contended that the disciplinary authority had rightly imposed the punishment of reduction of pay by two incremental stages for a period of two years with cumulative effect for the proven misconduct in the enquiry and the Labour Court had rightly dismissed the I.D. preferred by the petitioner, and hence, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions made by the parties, is of the considered view that ends of justice would be met if the punishment imposed by the disciplinary authority is modified to that of reduction of pay by two incremental stages for a period of two years without cumulative effect, however, without any monetary benefits.

Accordingly, the writ petition is disposed of, modifying the punishment of reduction of pay by two incremental stages for a period of two years with cumulative effect to that of deferment of reduction of pay by two incremental stages for a period of two years without cumulative effect, without any monetary benefits.

Consequently, miscellaneous petitions pending in the writ petition, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

5th November, 2018
cbs



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(disposed of)

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