

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.13018 OF 2009

ORDER

This writ petition is filed seeking the following relief:

“.... to issue a writ, order or directions more in the nature of Writ of Certiorari calling for the records in I.D.No.28 of 2006, dated 21.4.2007 on the file of Hon'ble Industrial Tribunal-cum-Labour Court, Godavarikhani and quash the same as illegal and arbitrary and further direct the respondents herein to grant two annual increments with all attendant benefits including continuity of service and arrears and pass such other order or orders as this Hon'ble Court deem fit and proper in the interest of justice.”

Heard Sri P.Govinda Rajulu, learned counsel appearing for the petitioner, and Smt B.G.Uma Devi, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that he was appointed as Conductor on 6.5.1988 and while he was discharging his duties on 22.7.1995, the checking officials of the respondent-Corporation conducted check and alleged that he indulged in cash and ticket irregularities. The respondent-Corporation construing the said act as misconduct, initiated disciplinary proceedings against the petitioner and after conducting enquiry, imposed punishment deferment of annual increment for a period of two years with cumulative effect and treated the suspension period 'as not on duty' *vide* order dated 02.12.1995. Challenging the same, he filed I.D.No.28 of 2006 before the

Industrial Tribunal-cum-Labour Court, Godavarikhani. The Labour Court *vide* Award dated 21.04.20078 dismissed the same. Questioning the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that without conducting any enquiry, the disciplinary authority had imposed the major punishment and without appreciating any of the contentions raised by the petitioner, the Labour Court dismissed the I.D.

Learned Standing Counsel appearing for the respondent-Corporation contends that the disciplinary authority had rightly imposed the punishment against the petitioner and the Labour Court had rightly dismissed the ID preferred by the petitioner and hence, no interference is called for by this Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that except the present charges, no other allegations were levelled against the petitioner in his entire career, the Labour Court ought to have interfered with the punishment atleast on the proportionality theory and granted relief to him. Therefore, this Court feels that ends of justice would be met if the punishment of deferment of annual increment for a period

of two years with cumulative effect is modified to that of without cumulative effect and without monetary benefits.

Accordingly, the Writ Petition is disposed of. The order dated 2.12.1995 passed by the respondent-Corporation is modified to that of deferment of annual increment for a period of two years without cumulative effect and without monetary benefits. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

9th November, 2018
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