HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 9825 OF 2019

Between:

1. The Depot Manager, TSRTC, Mancherial.
2. The Dy. Chief Traffic Manager, TSRTC, Adilabad.
3. The Regional Manager, TSRTC, Adilabad

...PETITIONERS

AND

B. Venkata Ramana, E-310236, Conductor, S/o. Rajanna, Age 48 years, R/o. Peddapet Village, Dandepally Mandal, District Adilabad 504206.

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ order or direction especially one in the nature of writ of Certiorari calling for the records relating to the impugned Award dt. 18.07.2018 passed in I.D No. 3/2017 on file of the Chairman, Industrial Tribunal-Cum- Labour Court-Cum-VI Addl. Dist. and Sessions Court, Godavarikhani (Respondent-1 herein) and published on 01.12.2018 in GO Rt. No. 595, and quash the same as being illegal, unjust, perverse and without jurisdiction.

IA NO: 1 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay the execution of the Award dt. 18.07.2018 passed in I.D No. 3/2017 on file of the Chairman, Industrial Tribunal-Cum- Labour Court-Cum- VI Addl. Dist. & Sessions Court, Godavarikhani (Respondent-1 herein) and published on 01.12.2018 in GO Rt. No. 595, pending disposal of the above writ petition.

Counsel for the Petitioners: SRI A. RAVI BABU, (SC FOR TSRTC)

Counsel for the Respondent: SRI A.K. JAYAPRAKASH RAO

The Court at the admission stage made the following: ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.9825 of 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking the following relief:

> "..... to issue an appropriate writ, order or direction especially one in the nature of writ of Certiorari calling for the records relating to the impugned Award dt.18.07.2018 passed in I.D.No.3/2017 on file of the Chairman, Industrial Tribunal-Cum- Labour Court-Cum-VI Additional Dist and Sessions Court, Godavarikhani (Respondent-1 herein) and published on 01.12.2018 in G.O.Rt.No.595 and quash the same as being illegal, unjust, perverse and without jurisdiction and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.....".

Heard Sri A.Ravi Babu, learned Standing Counsel for the petitioner Corporation and Sri A.K.Jayaprakash Rao, learned counsel appearing for the respondent-workman.

Learned counsel appearing for the petitioner had contended that the respondent-workman was initially appointed as a Conductor on daily wage basis during March, 1990 and the services of the workman were regularized as a Conductor with effect from 04.08.1991. While the respondent was discharging his duties, he had remained absent unauthorizedly from 09.09.1997 to 10.09.1997. Thereafter, the disciplinary authority had initiated disciplinary proceedings against the respondent-workman and after conducting a detailed enquiry, the disciplinary authority was

pleased to impose punishment of deferment of increment for a period of one year, which shall have its effect on future increment vide order dated 03.10.1998. The disciplinary authority imposed the said punishment based on Enquiry Officer's report, wherein the Enquiry Officer had held that the charge has proved and thereafter, after nearly 12 years, the respondent-workman had preferred an appeal to the appellate authority on 24.09.2010. The appellate authority had rejected the appeal preferred by the respondent-workman on 29.11.2013 on the ground that the appeal preferred by the petitioner is time barred. Thereafter, the respondent had unsuccessfuly preferred review, which was rejected on 17.04.2014. Subsequently in the year 2017, the respondent-workman had raised an industrial dispute and the appropriate Government had referred the dispute to the Labour Court under Section 10(1)(c) of the Industrial Disputes Act, 1947 and the said reference was numbered as I.D.No.3 of 2017. The Labour Court, without appreciating the fact that the respondent-workman had approached the Labour Court, belatedly, after nearly 20 years and without considering the objections raised by the petitioner-Corporation, had partly allowed the I.D. preferred by the respondent-workman vide order dated 18.07.2018. The operative portion of the said order reads as follows :-

> "In the result, the reference is partly allowed and the punishment imposed by respondent No.1 vide Office Order No.E1/1/(7)/98-MNCL, dated 03.10.1998 under Ex.M-4 is modified to that of "Deferment of annual increment for a period of one year without cumulative effect i.e., which shall not have

its effect on the future increments. The petitioner is entitled to all consequential benefits and arrears thereof.....".

Learned counsel appearing for the Petitioner-Corporation had contended that let the order of the Labour Court be modified only to the extent of without monetary benefits and insofar as the punishment is concerned, let the award of the Labour Court be confirmed.

Learned Counsel appearing for the respondent-Workman had contended that the Labour Court had rightly interfered with the punishment and granted monetary benefits also. The Labour Court has given cogent reasons while allowing the I.D. preferred by the respondent-workman. Therefore, 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 the Labour Court ought to have raised a separate issue in respect of limitation because admittedly the disciplinary authority had imposed punishment on 03.10.1998 and the Labour Court, without framing specific issue in respect of latches, has allowed the I.D. preferred by the respondent-workman. Therefore, the ends of justice would be met if the award of the Labour Court is confirmed, but, however, with regard to granting of consequential benefits, the Labour Court ought not to have ordered and the Labour Court ought to have rejected the case of the respondent-workman with respect to monetary benefits. However, the respondent-workman is entitled for notional fixation of pay. The award passed by the Labour Court

in I.D.No.3 of 2017 dated 18.07.2018 is confirmed, however, the portion relating to monetary benefits is deleted from the award of the Labour Court.

With the above observations, the writ petition is partly allowed. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

SD/-K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri. A. Ravi Babu, Standing Counsel for TSRTC. [OPUC]
2. One CC to Sri. A.K. Jayaprakash Rao, Advocate [OPUC]
3. Two C.D. Copies

Prk

HIGH COURT

DATED:30/12/2020

ORDER

WP.No.9825 of 2019



Partly Allowing the WP.
without costs.

(4) VLV
20/1/21