

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.20492 of 2004

ORDER:

This Writ Petition is filed seeking a Writ of Certiorari calling for the records relating to and connected with the Award dt.30-06-1998 in I.D.No.22 of 1995 on the file of Industrial Tribunal-cum-Labour Court, Warangal as was published in G.O.Rt.No.1436 dt.14-08-1998 and quash the same by holding the same as illegal and arbitrary.

2. Heard Sri D.V. Chalapathi Rao, learned counsel for the petitioner and Sri B.Mayur Reddy, learned Standing Counsel for the respondents.

3. It has been contended by the petitioner that he is working as a Driver with the respondents and he was initiated disciplinary proceedings and imposed a major penalty of removal from service and in the appeal, the said punishment was modified to the extent of postponement of one annual increment for a period of two years with cumulative effect. Aggrieved by the same, the petitioner also filed I.D.No.22 of 1995 before the Industrial Tribunal-cum-Labour Court, at Warangal (for short 'the Tribunal'). The Tribunal modified the said punishment to the extent of postponement of one annual increment for a period of one year with cumulative effect. Challenging the same, the present Writ Petition is filed.

4. Learned counsel for the petitioner has contended that the Tribunal ought to have interfered with the suspension period of the petitioner by treating it as 'on duty' and also completely set aside the orders of punishment. But the Tribunal has erroneously modified the punishment for postponement of increment from two years to one year with cumulative effect. Therefore, he has contended that appropriate orders be passed in the Writ Petition by setting aside the award passed by the Tribunal in I.D.No.22 of 1995.

5. Learned Standing Counsel for the respondents has contended that the Tribunal has rightly considered the case of the petitioner and exercised its power under Section 11-A of the Industrial Disputes Act, 1947 and that the learned Standing Counsel has informed that since the petitioner has already retired from service, the question of interference with the award of the Tribunal would not arise and therefore the Writ Petition is liable to be dismissed.

6. Having regard to the rival submissions made by the parties, this Court is of the considered view that the Tribunal has rightly passed the award dt.30-06-1998 in I.D.No.22 of 1995 and modified the punishment imposed on the petitioner from postponement of annual increment for a period of two years with cumulative effect to that of postponement of annual increment for a period of one year with cumulative effect in exercising its power under Section 11-A of the Act.

7. Therefore, this Court is not inclined to interfere with the award of the Tribunal and that the Writ Petition is liable to be dismissed.

8. Accordingly, the Writ Petition is dismissed. No costs.

9. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 05-08-2021

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