

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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WRIT PETITION No.6879 OF 2005

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Between:

The Depot Manager, APSRTC,
Zaheerabad, Medak District

.. Petitioner

And

The Labour Court – II,
Hyderabad, rep., by its
Presiding Officer, and another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 12-08-2015

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SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6879 of 2005

ORDER:

The Depot Manager, Andhra Pradesh State Road Transport Corporation (APSRTC), Zaheerabad, Medak District, filed this Writ Petition calling in question the Award dated 13.05.2004 passed by the Labour Court-II, Hyderabad, in I.D.No.114 of 2000. By the said Award, the Labour Court directed reinstatement of the 2nd respondent-Conductor in service with full back wages, continuity of service and other attendant benefits.

By order dated 31.03.2005, this Court granted interim stay of the impugned Award subject to compliance with Section 17-B of the Industrial Disputes Act, 1947.

Sri N. Praveen Reddy, learned counsel representing Sri N. Vasudeva Reddy, learned Standing Counsel for the TSRTC, the successor-in-interest of the erstwhile APSRTC in the State of Telangana, states that the 2nd respondent-Conductor was reinstated in service notwithstanding the interim order dated 31.03.2005. He however states that the other benefits granted to the 2nd respondent-Conductor were not extended to him pursuant to the order of stay.

Though the 2nd respondent-Conductor is represented by Sri P. Raghavender Reddy, learned counsel, he did not appear before this Court on 06.08.2015 and again today, despite the case being passed over.

This Court is therefore left with no option but to adjudicate the matter on merits without hearing the learned counsel for the 2nd respondent-Conductor.

The 2nd respondent-Conductor was removed from service for having reissued as many as seven used tickets while conducting the bus service between Zaheerabad and Bidar on 23.01.1998. The finding of the APSRTC, upon due enquiry, was that the 2nd respondent-Conductor had collected the requisite fare of Rs.11/- from each of the said seven passengers and issued them used tickets. After following the due procedure, the APSRTC removed him from service under order dated 17.11.1998.

The 2nd respondent-Conductor filed a memo before the Labour Court admitting the validity of the domestic enquiry held against him by the APSRTC. While so, the Labour Court opined that it may sometimes so happen that passengers who travelled in the bus previously may preserve such tickets with them and may produce the used tickets instead of the current tickets. Giving this benefit of doubt to the 2nd respondent-Conductor, the Labour Court held that the explanation given by him was reasonable and that the charge against him was not established.

This Court is at a complete loss to understand the reason put-forth by the Labour Court in support of its finding.

It is perhaps possible that one passenger may be found with a used ticket of a previous journey in his possession. It is improbable that seven passengers would have retained the tickets purchased by them on the same day viz., 19.01.1998, on the same service-Zaheerabad to Bidar. Such a coincidence belies belief and the Labour Court appears to have adopted this line of thinking due to sympathy only. The fact remains that the seven passengers in question were found to be travelling without valid tickets. According to them, the requisite fare of Rs.11/- had been collected from each of them. Therefore, the action of the

2nd respondent-Conductor inevitably caused loss of revenue to the employer – APSRTC.

In that view of the matter, the failure on the part of the 2nd respondent-Conductor to live up to his fiduciary obligation to the APSRTC was clearly made out. The Labour Court was therefore not correct in granting him not only the relief of reinstatement but also various other benefits. The case was such that no lenience was warranted, as it related to the integrity of the employee, the 2nd respondent-Conductor. The impugned Award is therefore set aside in all respects except to the extent of the relief of reinstatement, as the 2nd respondent-Conductor is stated to have retired from service on 28.02.2010, upon his reinstatement. The 2nd respondent-Conductor is therefore not entitled to any of the other reliefs granted by the Labour Court.

The Writ Petition is allowed in part to the extent indicated above.

Pending Miscellaneous Petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:12.08.2015

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