

**THE HON'BLE SRI JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO**

WRIT APPEAL No.636 of 2014

ORAL JUDGMENT.: (Per Justice A. Ramalingeswara Rao)

This writ appeal is directed against the order of the learned Single Judge in W.P.No.14033 of 2008, dated 21.08.2013.

The facts of the case are that the respondent was appointed as Conductor in the A.P. State Road Transport Corporation on 25.03.1981 and while he was conducting the bus service on 13.02.2004 from C.B.S., Hyderabad, to Medak via Jubilee Bus Station, a check was conducted at Potharajpally Kaman by the checking officials, wherein one passenger was found travelling with unconcerned ticket of Rs.20/- denomination bearing No.639/756214, along with Rs.2/- ticket. A charge memo was issued to the respondent, to which he submitted his explanation. However, the respondent was placed under suspension on 24.02.2004 and was issued a charge sheet with the following charges:

“1. For having issued un-concerned ticket No.639/756214 of Rs.20/- deno., to your way bill with the combination of ticket of Rs.2/- deno., No.421/187540 even after collecting Rs.22/- from a passenger who boarded your bus at JBS and found alighting at Toopran ex-stages 17 to 13, which is a serious misconduct under Reg.28(x) of APSRTC Employees (Conduct) Regulations, 1963.

2. For having failed to close the tray numbers of ticket No.252/575790 of 795 of Rs.10/- denomination E-4 and ticket No.489/369716 to 719 of Rs.1/- denomination E-4 in your service SR which is a serious misconduct under Reg.28 (xxxii) of APSRTC Employees (Conduct) Regulations, 1963.”

After conducting enquiry, the Enquiry Officer held that the charges were proved. The Depot Manager issued orders removing the respondent from service on 17.06.2004. Aggrieved thereby, the respondent filed I.D.No.58 of 2005 before the Labour Court, Hyderabad.

The Labour Court, Hyderabad, by its order dated 29.01.2008, confirmed the order of removal from service passed by the Depot Manager on 17.06.2004. Challenging the said order of the Labour Court, the respondent herein preferred W.P.No.14033 of 2008.

The learned Single Judge held that the charges framed against the respondent were not made out and the award passed by the Labour Court was perverse. Accordingly, he set aside the order of removal, as confirmed by the award of the Labour Court. The respondent was directed to be treated as having been in continuous service till the date of his superannuation with attendant benefits as if he was never suspended and never removed and continued to be in service, by his order dated 21.08.2013. Against the said order, the present writ appeal is filed.

We have perused the charges framed against the respondent.

Learned counsel for the respondent brought to our notice the statement made by the Inspecting Officer stating that a statement was dictated to the Conductor as if it was made by the passenger, after obtaining the signature of the passenger on a blank paper. The learned Single Judge took the said fact into consideration and held that charge No.1 is not proved. Charge No.2 relates to closing of S.R. and it was based on Regulation 28 (xxxii) of the Andhra Pradesh State Road Transport Corporation Employees (Conduct) Regulations, 1963. As per the said Regulation, violating any specific rule or instructions of the Corporation in force amounts to misconduct. No specific rule or instructions, which were alleged to have been violated by the respondent, are placed before the Enquiry Officer or the Labour Court. The learned Single Judge, as already stated above, also held that charge No.2 was not proved. The learned counsel for the appellants is unable to show any rule or instructions of the Corporation, which the respondent has violated.

In view of above, we are satisfied with the findings recorded by the learned Single Judge and accordingly we see no merit in the writ appeal.

The writ appeal is accordingly dismissed. No order as to costs.

Consequently, miscellaneous petitions, if any, shall stand closed.

JUSTICE DILIP B. BHOSALE

JUSTICE A. RAMALINGESWARA RAO

9th March, 2015
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