

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

WRIT PETITION No.6937 of 2005

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Between:

The Depot Manager, APSRTC, Jeedimetla

...Petitioner

and

Sri Ch.Sriramulu and another

...Respondents

DATE OF JUDGMENT PRONOUNCED: 12.08.2015

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 Judgments? Yes/No
2. Whether the copies of judgment
may be marked to Law Reporters/Journals? Yes/No
3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? Yes/No

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6937 of 2005

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ORDER:

This Writ Petition was filed by the Depot Manager, APSRTC, Jeedimetla Depot, Ranga Reddy District, calling in question the Award dated 19.06.2004 passed by the Labour Court-I, Hyderabad, in I.D.No.66 of 2002. By the said Award, the Labour Court directed reinstatement of the first respondent workman in service along with 30% back wages but without 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 APSRTC in the State of Telangana, stated that notwithstanding the interim stay granted by this Court, the first respondent workman was reinstated in service. However, the other reliefs granted to him were not extended pursuant to the stay orders granted by this Court.

Despite service of notice, the first respondent

workman did not choose to enter appearance before this Court either in person or through learned counsel.

Perusal of the impugned Award reflects that the first respondent workman was removed from service by the erstwhile APSRTC on the ground of cash and ticket irregularities. The specific charge against him was that he failed to collect the fare and issue tickets to a batch of 4 passengers who were found alighting without tickets at Shapurnagar, having boarded the bus at Jeedimetla. The Labour Court confirmed the finding arrived at by the APSRTC, insofar as this charge is concerned as is clear from paragraph 23 of the Award, wherein the Labour Court confirmed that the first respondent workman did allow four passengers to travel without fare. Having recorded such a finding, the Labour Court extended sympathetic consideration to the first respondent workman only on the ground that the amount involved was Rs.11/- and held that the order of removal from service was not warranted.

Once loss of revenue to the Road Transport Corporation owing to the negligence or misconduct on the part of the Conductor is established, it is clear that the said Conductor failed in his fiduciary obligation to the Corporation. In such a case, the quantum of the amount involved is of no significance. The loss of confidence of the employer would be the same notwithstanding the

amount involved.

The reasoning of the Labour Court that merely because the loss in the instant case was Rs.11/-, a minor penalty should have been imposed upon the first respondent workman is without legal basis. The reliefs extended by the Labour Court to the first respondent workman only on this ground, notwithstanding the findings confirmed against him, are therefore unsustainable.

The Writ Petition is accordingly allowed in part setting aside the Award passed by the Labour Court to the extent of all other reliefs except the relief of reinstatement as the same has already been given effect to.

Pending miscellaneous petitions shall stand dismissed in the light of this final order. No order as to costs.

SANJAY

KUMAR, J

12th AUGUST, 2015.

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