

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

WRIT PETITION No.8357 of 2005

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Between:

The Depot Manager, APSRTC, Medchal and another

...Petitioners

and

Sri B.L.Sunil 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.8357 of 2005

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ORDER:

This Writ Petition was filed by the Officers of the erstwhile Andhra Pradesh State Road Transport Corporation (APSRTC) assailing the Award dated 17.09.2004 passed by the Labour Court-I, Hyderabad in I.D.No.203 of 2002. By the said Award, the Labour Court directed reinstatement of the first respondent workman in service along with 50% back wages but without attendant benefits.

By order dated 15.04.2005, this Court granted interim suspension 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, informed this Court that notwithstanding the afore-stated interim order, the first respondent workman was reinstated in service but the other benefits 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 Labour Court did not interfere with the finding arrived at by the APSRTC that the first respondent workman caused loss of revenue to the Road Transport Corporation as a passenger was found alighting at Gandhi Bhavan without a ticket. The loss of revenue to the Road Transport Corporation was Rs.3/-. Taking note of the meagreness of the amount involved, the Labour Court was carried away with sympathy and opined that a minor penalty ought to have been imposed upon the first respondent workman instead of removing him from service.

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.3/-, 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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