

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.9689 of 2005

ORDER:

Aggrieved by the Nil Award dated 19.07.2004 passed by the Industrial Tribunal-cum-Labour Court, Visakhapatnam, in I.D.No.166 of 2002, the petitioner-workman is before this Court.

The petitioner was a Conductor in the Andhra Pradesh State Road Transport Corporation at Vizianagarm. While conducting the service on the route Bobbili to Rajam on 21.12.2000, the petitioner was found to have committed certain cash and ticket irregularities. He was accordingly removed from service after following the due procedure. Having failed in his appeal and review petition before the authorities, he invoked the jurisdiction of the Labour Court under Section 2-A(2) of the Industrial Disputes Act, 1947 (for brevity 'the Act of 1947'). Upon consideration of the material on record, the Labour Court found no reason to interfere with the findings arrived at by the authorities to the effect that the petitioner-Conductor, having collected an amount of Rs.20/- from a batch of three passengers, issued only one ticket of Rs.6.50 paise and failed to issue the remaining two tickets as well as the change of Rs.0.50 paise. As this misconduct was clearly established against the petitioner-Conductor, the Labour Court was of the opinion that no cause was made out for exercise of discretion under Section 11-A of the Act of 1947 on the ground of proportionality of the punishment. Reliance in this regard was placed on **Karnataka State Road Transport Corporation v. B.S.Hullikatti**^[1] and **Regional Manager RSRT Corporation v. Ghan Shyam Sharma**^[2].

In the light of the law laid down by the Supreme Court in the aforesaid decisions, this Court finds no reason to interfere with the Nil Award passed against the petitioner-Conductor. Once the Conductor was shown to have caused loss of revenue to the Road

Transport Corporation, it was established that he failed to live up to his fiduciary obligation to the employer. In such a case, the quantum of the amount involved in the misappropriation or loss would be of no significance as the loss of confidence on the part of the employer remains the same. The case on hand was therefore not a fit one for exercise of discretionary jurisdiction under Section 11-A of the Act of 1947. The Award of the Labour Court holding to this effect therefore does not warrant interference either on facts or in law.

The writ petition is devoid of merit and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Date:01.09.2015

GJ

[\[1\]](#) (2001) 2 SCC 574

[\[2\]](#) (2002) 10 SCC 330