

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

WRIT PETITION NO.5820 OF 2005

DATED 08th OCTOBER, 2015

Between:

E. Appa Rao .. Petitioner

and

Depot Manager, APSRTC,

Narsipatnam, Visakhapatnam

District and others .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.5820 OF 2005

ORDER

The petitioner, a Conductor in the service of the Andhra Pradesh State Road Transport Corporation (APSRTC), was removed from service for certain cash and ticket irregularities, by order dated 22.04.1989. Unsuccessful in appeal and review,

he then invoked the jurisdiction of the Industrial Tribunal-cum-Labour Court, Visakhapatnam, under Section 2-A(2) of the Industrial Disputes Act, 1947 (for brevity, 'the Act of 1947') in I.D.No.145 of 2002. By Nil Award dated 06.05.2004, the Labour Court dismissed his petition. Aggrieved thereby, he is before this Court.

The petitioner was conducting the bus service from Narsipatnam to Bhadrachalam on 09.09.1998 when a check took place. At that point of time, there were only nine passengers in the bus. The Checking Officials found that two passengers who had paid Rs.24/- were issued Re.0.50 ps. luggage tickets each. It is not in dispute that the petitioner, in his spot explanation, admitted that he had collected Rs.24/- from these two passengers and had issued them two tickets of Re.0.50 ps. denomination. No doubt, he recanted from this version thereafter, but there is no explanation forthcoming as to why he admitted his guilt in the first instance. That apart, the fact that there were only nine passengers in the bus at that point of time speaks against him. Considering all these issues, the Labour Court returned the Nil Award against the petitioner.

Sri K.K. Chakravarthy, learned counsel for the petitioner, would contend that the petitioner has been adequately punished by being kept out of service all these years and that he may be given re-employment at least at this late stage as a fresh appointee.

However, this Court cannot lose sight of the fact that the petitioner owed a fiduciary obligation to the APSRTC but failed to live up to it, as his action invariably caused loss of revenue to the employer. Once an employee fails to live up to such expectation, the employer would cease to have confidence in him and this Court cannot direct re-employment of such an employee upon sympathetic considerations. This Court therefore finds no reason to interfere with the Award under challenge.

The writ petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

08th OCTOBER, 2015

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