

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

WRIT PETITION NO.9199 OF 2005

Between:

The Depot Manager, APSRTC,
Tiruvur Depot, Tiruvuru, Krishna District

.. Petitioner

and

P. Abraham and another

.. Respondents

DATE OF JUDGMENT PRONOUNCEMENT : 13th AUGUST,
2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE SANJAY KUMAR

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| 1. | Whether Reporters of Local newspapers
may be allowed to see the judgment? | Yes/No |
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| 2. | Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |

3. Whether Their Lordship wish to
see the fair copy of the judgment?

Yes/No

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.9199 OF 2005

ORDER

The Depot Manager, Andhra Pradesh State Road Transport Corporation (APSRTC), Thiruvur Depot, Krishna District, filed this writ petition aggrieved by the Award dated 31.03.2004 passed by the Labour Court, Guntur, in I.D.No.20 of 1998. By the said Award, the Labour Court directed reinstatement of the first respondent in service along with 25% of the back wages in addition to continuity of service and attendant benefits. By order dated 25.04.2005, this Court granted interim stay of the impugned Award subject to compliance with Section 17B of the Industrial Disputes Act, 1947.

It is however stated that the first respondent workman was reinstated in service.

The first respondent workman was a driver in the service of the APSRTC and he was removed from service by order dated 05.11.1992 on the charge that he had driven the bus on the route Thiruvur - Guntur on 18.08.1990 with lack of anticipation and failed to take precautionary measures, whereby the bus met with a fatal accident resulting in the death of the driver and passenger of the car which was involved in the said accident. The Labour Court however found that the said charge was not made out on facts against the respondent workman and accordingly granted him relief. It is not the case of the APSRTC that the findings recorded by the Labour Court are perverse. Further, upon examination of

the facts, this Court finds no reason to differ with the findings recorded by the Labour Court. That being so, the first respondent workman was rightly given a clean chit by the Labour Court and was therefore entitled to the relief granted in exercise of its judicious discretion. The Labour Court limited the entitlement of the first respondent workman to 25% of the back wages keeping in mind the period that he remained out of service. As his removal from service was found to be without factual basis, he was entitled in law to be reinstated with continuity of service and attendant benefits. 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

13th AUGUST, 2015
PGS