

**HON'BLE SRI JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO**

WRIT APPEAL No. 290 OF 2007

JUDGMENT: (per the Hon'ble Sri Justice A. Ramalingeswara Rao)

This writ appeal is directed against the order dated 18-01-2007 passed by the learned single Judge allowing Writ Petition No.19437 of 1996 filed by the 1st respondent challenging the Award of the Labour Court in I.D No.266 of 1993.

The appellant was appointed as a Conductor in the respondent – Corporation on 09-08-1991 and was working in Vinukonda Depot. It was alleged that the appellant produced a fake SSC certificate and secured job. On 22-09-1992, a letter was addressed by the 1st respondent to the Secretary to the Commissioner for Government Examinations, Andhra Pradesh, Hyderabad to ascertain the genuineness of the certificate produced by the appellant and the Additional Joint Secretary to the Commissioner for Government Examinations, Andhra Pradesh, Hyderabad addressed letter Rc.No.:92/9(iv)-14/93, dated 12-03-1993 intimating that the SSC certificate produced by the appellant with Roll No.100532 was found to be bogus and he requested the 1st respondent to take action against the appellant duly registering a police case as the said certificate with the said roll number relates to one P. Seetharambabu, S/o Krishna Murthy and the date of birth mentioned is 01-07-1965. On the basis of the said letter, the appellant was placed under suspension initially and a charge sheet was issued on 19-03-1993 alleging that he produced a fake certificate and secured employment. An enquiry was conducted and the Enquiry Officer submitted report holding that the charge against the appellant was proved. Based on that, he was removed from service on

14-07-1993. Challenging his removal, the appellant filed I.D No.266 of 1993 before the Labour Court, Guntur seeking reinstatement into service with continuity of service, back wages and other attendant benefits. The Labour Court passed Award dated 30-12-1995 directing the reinstatement of the appellant into service with continuity of service, back wages and other attendant benefits, by making the following observations:

“If really the Certificate bearing No:100532 pertains to Channam V. Seetharambabu, s/o. C.S. Krishnamurthy how the Board of Secondary Education, issued a Certificate to the Claimant bearing No: 100532. So, this aspect also not clear. Now the respondent ought to have obtained a Certificate from the Board of Secondary Education, A.P., bearing No: 100532 but the respondent corporation has not chosen to do so. If that is so the respondent corporation failed to establish that the claimant produced fake Certificate. The Enquiry Officer relied upon the evidence produced before him i.e., one P. Nageswara Rao, the then Deputy Superintendent and upheld the charge against the Conductor. If that is so it cannot be stated that the findings of the Enquiry Officer is correct. Under these circumstances the respondent failed to establish that the claimant produced fake certificate and obtain the Conductor/s Job. If that is so the charge against the Conductor is not established. If that it so there move of the Conductor on the basis of the said charge is not legal. If that is so the claimant is entitled for reinstatement. Further, the claimant is also entitled for continuity of service, backwages and other attendant benefits. Under these circumstances, it has to be held that the removal of the claimant from Service is not valid and the claimant is entitled for reinstatement with continuity of service, back wages and other attendant benefits.”

Challenging the Award of the Labour Court, the 1st respondent filed Writ Petition No.19437 of 1996. The learned single Judge allowed the writ petition holding that the Labour Court did not give any reasons as to why the certificate issued by the Additional Joint

Secretary should not be accepted, more so, when the validity of the said certificate was not even disputed by the appellant. The learned single Judge also held that the Award of the Labour Court is perverse and based on no evidence. Challenging the said order of the learned single Judge, the present writ appeal is filed by the appellant who is 1st respondent before the learned single Judge.

We have perused the Award of the Labour Court and the order of the learned single Judge. Heard the arguments of the learned counsel for the appellant at length.

As observed by the learned single Judge, the appellant did not challenge the genuineness of the letter dated 12-03-1993 wherein it was stated that the SSC Certificate produced by the appellant was found to be bogus. The Additional Joint Secretary to the Commissioner for Government Examinations in his letter gave the particulars of the candidate with the said roll number and nowhere it tallied with the particulars mentioned in the SSC certificate produced by the appellant. In the circumstances, we are also satisfied that the Award passed by the Labour Court is perverse and not based on evidence. We concur with the opinion expressed by the learned single Judge.

We find no merit in the writ appeal and the same is accordingly dismissed. Miscellaneous petitions, if any, also stand disposed of. There shall be no order as to costs.

DILIP B. BHOSALE, J

A. RAMALINGESWARA RAO, J

09-04-2015
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