

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

WRIT PETITION No.8386 of 2001

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Between :

J. Bhoomaiah S/o.Narsimulu

... Petitioner

AND

The A.P.S.R.T.C., Rep. by its Depot Manager,
Korutla Depot, Karimnagar District,
and another.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 07.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE JUSTICE S. RAVI 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 |

HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.8386 of 2001

ORDER:

This writ is preferred challenging the award in I.D.No.30 of 1996 dated 14.08.2000 on the ground that the Industrial Tribunal-cum-Labour Court, Godavarikhani, has not properly considered the petitioner's claim, therefore, the award is illegal, arbitrary and consequentially to direct the 1st respondent to reinstate the petitioner into service with continuity of service, attendant benefits and back-wages.

2. The petitioner herein was conductor in A.P.S.R.T.C. and on 16.09.1990 while he was on duty as conductor on Ilapur route, the bus was checked at Stage No.3 and the Traffic Department noticed some financial irregularities of not issuing tickets to five passengers and collection of excess fare from six passengers and on these allegations departmental enquiry was conducted and petitioner challenged the orders of Enquiry Officer before Appellate Authority and Revisional Authority, having lost at all levels, he approached Industrial Tribunal-cum-Labour Court, Godavarikhani, through I.D.No.30 of 1996 and Presiding Officer of Labour Court through order dated 14.08.2000 upheld that the punishment of removal, holding that it is in proportion to the charges framed against the petitioner and dismissed the industrial dispute and challenging the

same, present writ is filed.

3. Heard both sides.

4. Advocate for petitioner submitted that the award of Labour Court is contrary to law as it failed to consider the material placed before it in a proper manner. It is further submitted that the Labour Court failed to exercise its discretion under Section 11-A of the Industrial Disputes Act, 1947 (for short, 'the Act') and Presiding Officer was not right in holding that petitioner does not deserve any sympathy. It is further urged that the punishment of removal is not in proportion to the charges and, therefore, award of the Labour Court is liable to be set aside.

5. On the other hand, advocate for respondent submitted that petitioner was appointed as Conductor and it was found that he committed certain irregularities and on that he was served with a charge memo and thereafter charge sheet was filed and petitioner did not submit any explanation to the charge sheet and a domestic enquiry was ordered and in spite of opportunities, petitioner did not participate in the domestic enquiry and Enquiry Officer found that petitioner guilty for the charges leveled against him and submitted a report on 27.03.1991 and considering the report of Enquiry Officer, management issued a show-cause notice to the petitioner to show as to why he should not be removed from service, for which he did not give any explanation, therefore, final proceedings were issued on 29.06.1991 removing petitioner from

service and thereafter he preferred appeal and the same was rejected by proceedings dated 05.07.1995 and finally, the petitioner raised a dispute before Labour Court and after careful consideration of the material, the Labour Court passed an Award and the same is just and proper and there are no grounds to interfere with the Award of the Labour Court.

6. Now the point that would arise for my consideration in this writ petition is:

Whether the Award in I.D.No.30 of 1996 dated 14.08.2000 of the Presiding Officer of the Industrial Tribunal-cum-Labour Court, Anantapur, is just and proper?

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POINT :

7. Admittedly, petitioner was on duty as conductor on 16.09.1990 when the check was conducted. It is also not dispute that petitioner collected excess pay from six passengers and not issued tickets to five passengers. All the five passengers were examined before the domestic enquiry, who asserted the fact that tickets were not issued to them though they paid fare to the conductor. The other six passengers, who paid excess fare, were also examined and they also supported the case of the Department. As seen from the record, petitioner himself gave explanation contending that he issued tickets to five passengers, but the passengers lost those tickets, which explanation was not supported with the record. The

Labour Court after considering the entire material i.e., Exs.M.1 to M.25, came to the opinion that the charges framed against petitioner are duly proved and as the proved charges are serious in nature, the punishment imposed to the petitioner is in proportion to the charges and that there are no grounds to interfere with the findings of the order of removal. On a scrutiny of the material, I do not find any wrong in the order of the Labour Court, and it dealt the case with reference to material on record and rightly confirmed the order of the removal. As rightly pointed out by advocate for respondent that this is not a fit case to show any sympathy by invoking the provisions of Section 11-A of the Act. For these reasons, I am of the view that the writ is devoid of merits and order of the Labour Court-cum-Industrial Tribunal cannot be held as illegal or arbitrary.

8. Accordingly, this writ petition is dismissed. No costs.

9. Miscellaneous Petitions, if any, shall stand closed.

S. RAVI KUMAR, J

7th August 2015.

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