

HONOURABLE SRI JUSTICE M.S.K.JAISWAL

W.P.No.22444 of 2004

ORDER:

This Writ Petition is filed by the APSRTC challenging the award of the Labour Court-II, Hyderabad, dated 17.02.2004 in I.D.No.144 of 2001.

The 1st respondent-workman was appointed as Conductor on 19.03.1984 on contract basis in the writ petitioner Corporation. It is stated that, on 07.04.2000, while conducting the RTC bus bearing No. AP 10Z 3580 from Atmakur-Gajwel Pragnapur at stage No.8/7, the 1st respondent-workman issued four tickets of Rs.3.00 denomination to four individual passengers from a fresh block without completing the running ticket block which still contained sixteen tickets and that he failed to endorse the said fact in the S.R. Not being satisfied with the explanation offered by the workman, the Corporation issued a charge sheet dated 02.05.2000 and kept the workman under suspension. It is further stated that a domestic enquiry was conducted and the workman was found guilty of the charge levelled against him and accordingly he was removed from service by order dated 17.03.2001. Aggrieved by the said order, 1st respondent-workman raised industrial dispute before the Labour Court, in I.D.No.144 of 2001. The Labour Court, on a consideration of the entire material available on record, passed an award dated 17.02.2004 directing the writ petitioner-management to reinstate the 1st respondent-workman into service with 50% back wages, continuity of service and all other attendant benefits including notional increments. Aggrieved by the same, the present writ petition is filed by the APSRTC.

Heard learned Counsel appearing on either sides and perused the material available on record.

In the instant case, the 1st respondent-workman gave four tickets from the new block without exhausting running block of Rs.3/- denomination and in the spot explanation, he stated that the running block of Rs.3/- denomination was somehow fell down in the bus and, therefore, he issued four tickets of Rs.3/- denomination in the new block. Simply because the 1st respondent-workman issued four tickets in the new block though there were 16 tickets remaining in the running block of Rs.3/- denomination, it cannot be said that the 1st respondent-workman has committed serious irregularity while discharging his duty. That apart, there is nothing to suspect that the 1st respondent-workman got any motive of any kind in keeping the running block in tact and to issue four tickets of Rs.3/- denomination in the new block. Since the charge leveled against the 1st respondent-workman appears to be trivial in nature, the punishment imposed by the writ petitioner-management is disproportionate to the gravity of the misconduct. Therefore, the Tribunal, having considered the entire material on record, directed the writ petitioner-management to reinstate the 1st respondent-workman into service with 50% back wages, continuity of service and other attendant benefits including notional increments.

In the light of aforementioned circumstances, I am of the considered view that the reasoning assigned by the learned Tribunal is quite legal and justified and, therefore, I do not find any reason to interfere with the impugned award passed by it.

The Writ Petition, therefore, fails and is accordingly dismissed upholding the impugned award dated 17.02.2004. However, the 1st respondent-workman is directed to file an application before the concerned authority for grant of terminal benefits and on such application being filed, the authority concerned shall consider the same and pass appropriate orders within a period of three months from the date of receipt of a copy of this order. No order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

25-11-2015

Gsn