

HON'BLE SRI JUSTICE M.S.K. JAISWAL

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WRIT PETITION No.7867 of 2004

ORDER:

This Writ petition is filed by the petitioner, working as a driver in respondent No.1-Corporation, questioning the correctness of the order dated 31.12.2002 passed by the learned Presiding Officer, Labour Court-I, Hyderabad, in I.D. No.626 of 2000.

2. The petitioner has joined respondent No.1-Corporation as driver in the year 1995, and, on 20.06.1996, the bus which was driving by the petitioner from Secunderabad to B.N.Reddy Colony, met with an accident at Padmaraonagar Cross Roads, which resulted in death of two persons and injuries to three persons, who were travelling in an auto, which was extensively damaged. The petitioner was charge sheeted for the criminal offence, of which he is said to have been acquitted. However, after the Traffic Inspector, viz., G.Padma Rao, made a preliminary spot verification, he submitted a report to the competent authority opining that it is the petitioner is responsible for the accident; and, consequently, the petitioner is liable to be proceeded with departmental enquiry. Accordingly, the enquiry officer was appointed and a charge memo was issued to the petitioner making the following charges:

"Charge No.1:

For having driven the vehicle AEZ 5318 in a rash and negligent manner, while driving from Secunderabad station to B.N.Reddy Colony on 20.6.1996, as a result of which the Bus AEZ 5318 hit the Auto A.P. 10T-679 which was coming in opposite direction (Near Padmaraonagar X Roads) at the extreme right side of the road, causing death of Auto Driver and occupant of the Auto and serious injuries to three other occupants of Auto which constitutes misconduct in terms of

regulation 28 (ix) (3) of A.P.S.R.T.C. Employees (Conduct) Regulations, 1963.

Charge No.2:

For having driven the vehicle AEZ 5318 in over speed while driving it from Secunderabad station to B.N.R. Colony as a result of which you have lost control of the vehicle AEZ 5318 and gave a hit to an auto A.P. 10-T 679 which was coming in an opposite direction on the extreme right side of the road (Near Padmaraonagar X Roads) at about 16.40 hrs. on 20.6.96 causing death of two persons and serious injuries to three occupants of the auto besides extensive damage to the Auto A.P. 10-T 679 which constitutes misconduct in terms of regulation 28 (xxix) of A.P.S.R.T.C. Employees (Conduct) Regulations, 1963."

3. During the course of departmental enquiry, the enquiry officer after considering the material on record, found the charges against the petitioner to be proved and submitted his report. The competent authority accepted the report and directed for removal of the petitioner from service. The petitioner was unsuccessful in the appeal as well as the revision before the statutory authorities.

4. Thereafter, the matter was taken to the Presiding Officer, Labour Court-I, Hyderabad, and the learned Labour Court, after considering the entire material on record including Exs.W.1 to W.3 marked on behalf of the petitioner and Exs.M.1 to M.30 marked on behalf of respondent No.1-Corporation, found that there is no material to interfere with the finding of the enquiry officer insofar as the culpability of the petitioner is concerned. However, taking into consideration the material on record, the learned Presiding Officer of the Labour Court has directed that the petitioner be reinstated into service without back wages, without any other attendant benefits and without continuity of service within two months from that date.

5. Learned counsel appearing for the petitioner submits that the enquiry conducted by the enquiry officer is not in accordance with the rules and the petitioner was not furnished with the documents, which were the basis for framing the charges against the petitioner.

6. A perusal of the report of the enquiry officer as well as the award passed by the Labour Court shows that the petitioner was afforded ample opportunity for contesting departmental enquiry and the enquiry officer has furnished all the documents to the petitioner which were available with him. At this stage, the petitioner cannot claim that the initiation of the departmental enquiry is vitiated for non-compliance of the provisions of sub-rule (3) of Rule 12 of the Andhra Pradesh State Road Transport Corporation Employees (Classification, Control and Appeal) Regulations, 1967. No record is produced to show that, at any point, the petitioner has raised objection with regard to non-compliance of any of the said provisions. The Presiding Officer of the Labour Court has minutely discussed the entire evidence on record and has come to a correct conclusion that the punishment of dismissal from service is disproportionate, and, consequently, granted the relief, which is just and reasonable. Therefore, I see no reason to interfere with the said finding of the Labour Court, and, hence, there is no merit in this writ petition.

7. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

M.S.K. JAISWAL, J

Date: 02.12.2015

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