

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

WRIT APPEAL No. 274 OF 2015

WRIT APPEAL (SR) No. 17841 OF 2015

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

This writ appeal is directed against the order dated 21-11-2013 passed by the learned single Judge in Writ Petition No.16281 of 2007, whereby the writ petition filed by the 1st respondent was disposed of modifying the Award of the Labour Court.

In the writ petition, the 1st respondent pleaded that he was appointed as a Conductor in the appellant – Corporation in the year 1990 and that while he was conducting a bus on the route Sankarapally to Vikarabad, a check was conducted and certain cash and ticket irregularities were alleged against him. The following charges were framed against him:

“i) For having failed to observe the rule “issue and start” without any reasonable cause which constitutes misconduct in terms Regulation 28(Vi-a) of APSRTC Employees’ (Conduct) Regulations 1963.

ii) For having collected the fare Rs.5/- (Rupees five only) at boarding point itself and failed to issue ticket to the passenger travelling without ticket who was boarded your bus at Shankerpally and bound for Medireddypally ex-stages 8 – 5 when check was exercised at Mehtabkhanguda which constitutes misconduct under Regulation 28 (Vi-a) of APSRTC Employees’ (Conduct) Regulations 1963.

iii) For having closed the S.R. up to No.6 without completing the above said issues which constitutes serious misconduct under Reg.28(xxxii) of APSRTC Employees (Conduct) Reg.1963.”

Based on the above charges, departmental enquiry was initiated against the 1st respondent and an order of removal was passed on 15-12-2002. The appeal preferred against the same was also dismissed. The 1st respondent therefore filed I.D No. 235 of 2004 before the Labour Court and the same was also dismissed on 06-01-2007, confirming the findings of the disciplinary authority. Challenging the Award of the Labour Court, the 1st respondent preferred Writ Petition No.16281 of 2007 and the learned single Judge after hearing both sides had set aside the Award dated 06-01-2007 and directed the appellants to reinstate the 1st respondent with continuity of service and all other attendant benefits, but only with 50% of back wages. Questioning the same, the present writ appeal is filed.

After arguing for sometime, learned counsel for the parties have consented for the following order:

“The order of the learned single Judge directing the appellants to reinstate the 1st respondent with continuity of service and all other attendant benefits is confirmed, but only with 25% of back wages.”

The writ appeal is allowed to the extent indicated above. Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, J

A. RAMALINGESWARA RAO, J

26-03-2015

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