

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

* * * *

WRIT PETITION No.1343 of 2010

Between:
K.N.Reddy

....Petitioner

and

The Andhra Pradesh State Road Transport Corporation,
Rep.by its Managing Director, Bus Bhavan,
Musheerabad, Hyderabad,
And others.

....Respondents

JUDGMENT PRONOUNCED ON : 06.04.2016

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to : No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.1343 of 2010

ORDER:

The petitioner was appointed as conductor on daily wage basis by the second respondent on 21.03.1986, and thereafter his services were regularized. While he was working as conductor on the route to Jubilee Bus Station to Kamareddy and Kamareddy to Pragnapur on 21.06.2005 a check was conducted between the stages of Kamareddy and old bus station of Kamareddy and it was noticed that the petitioner collected Rs.3/- from a passenger without issuing ticket. The petitioner was suspended on 02.07.2005 and he was removed from service on

13.10.2005. He filed I.D.No.57 of 2007 under Section 2-A(2) of the Industrial Disputes Act challenging the removal order dated 13.10.2005 and the Labour Court, by its award dated 25.09.2008, set aside the order of removal and the respondents were directed to reinstate the petitioner into service with continuity of service but without back wages and attendant benefits. The respondents were also directed to defer one annual increment of the petitioner with cumulative effect. Challenging the said award, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that the Labour Court, having ordered reinstatement, should not have directed the respondents to defer one annual increment of the petitioner with cumulative effect.

Learned Counsel for the respondents submits that the order of reinstatement itself is bad in view of the decision of the Supreme Court in **Divisional Controller, N.E.K.R.T.C v. H.Amaresh**^[1].

This is a Writ Petition filed by the petitioner challenging the deferment of one annual increment with cumulative effect and the award of the Labour Court was not challenged by the respondents. The petitioner was reinstated into service pursuant to the award of the Labour Court. Since the charges are proved and the Labour Court having exercised its power and discretion, this Court is not inclined to interfere with the said award, even at the instance of the petitioner.

The Writ Petition is, accordingly, dismissed confirming the award of the Labour Court dated 25.09.2008. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

06.04.2016
vs

^[1] (2006) 6 SCC 187