

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

**FRIDAY, THE NINETH DAY OF SEPTEMBER,
TWO THOUSAND AND SIXTEEN**

**Present
HON'BLE SRI JUSTICE P.NAVEEN RAO**

Writ Petition No.10736 of 2011

Between:

The Depot Manager, Andhra Pradesh State Road Transport Corporation, Ravulapalem-East Godavari District.

.. Petitioner

AND

The Industrial Tribunal-cum-Labour Court, Visakhapatnam, rep. by its Presiding Officer and another.

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.10736 of 2011

ORDER

Based on the complaint given by a passenger, who claimed to have travelled in the bus bearing No.AP 10 Z 9888 served by the 2nd respondent as Conductor, disciplinary proceedings were initiated alleging that "for having reissued a ticket to a passenger, who boarded at stage No.5 i.e., Mandapeta and bound to Tapeswaram, on 14.08.2006 while 2nd respondent was conducting the service from Ravulapalem to Samarlakota, which ticket was already issued to another passenger on 13.08.2006". The disciplinary proceedings resulted in imposing the punishment of deletion of the name of petitioner from the provisional approved/selected list of casual conductors. Aggrieved by the said order, 2nd respondent raised industrial dispute before the Industrial Tribunal-cum-Labour Court at Visakhapatnam. The Labour Court registered the said dispute as I.D.No.40 of 2008.

2. Specific assertion of 2nd respondent was that the disciplinary proceedings were initiated based on a complaint given by a passenger, who alleged to have travelled in the bus conducted by the 2nd respondent, the copy of complaint given by the passenger was not furnished to him nor the passenger was examined during the course of enquiry.

3. The Labour Court posed the following questions for consideration;

1. Whether the workman is not guilty of the misconduct as alleged in the charge?
2. Whether the punishment is disproportionate?
3. To what relief?

4. The Labour Court observed that complainant was not examined and copy of the complaint was not furnished to him. The Labour Court further observed that the stand of respondent therein, that a Senior Traffic Inspector examined the complainant in the preliminary enquiry conducted by him is sufficient and there was no necessity to examine the complainant again in the regular enquiry more so when Senior Traffic Inspector was examined during enquiry, is not valid. The Labour Court also observed that there is no material on record to show that the Senior Traffic Inspector recorded the statement of the same person or somebody else, therefore, the same cannot be given credence to hold the 2nd respondent as guilty.

5. The findings recorded by the Labour Court in paragraph 7 of the award would show that it is a case of no evidence. It is not the case of the petitioner Corporation that a check was conducted and cash and ticket irregularities were noticed and statements of passengers travelling in the bus were recorded. It appears, a person, by name, Laxmi Srinivas, had a grievance that a wrong

ticket was issued to him and he, therefore, gave a complaint not on the spot, but subsequently. When a written complaint was made, copy of the said complaint ought to have been furnished and the workman ought to have been given opportunity to cross-examine the complainant. In the absence of direct evidence on the field when alleged incident took place, it was all the more necessary to consider the request of 2nd respondent.

6. Having regard to the same, I do not see any error in the decision arrived at by the Industrial Tribunal-cum-Labour Court in holding that the disciplinary proceedings were not properly conducted. I see no merit in the writ petition. The Writ Petition is accordingly dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

P. NAVEEN RAO, J

9th September, 2016

sj