

THE COURT MADE THE FOLLOWING:

ORDER: (*Per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

Order dated 04.03.2008 in W.P.No.27712 of 2005 passed by a learned Single Judge of this Court, exercising his discretion under Section 11-A of the Industrial Disputes Act, 1947 (for short, 'the Act') and directing reinstatement of the respondent, an RTC Conductor, without any monetary benefit, is assailed in this Writ Appeal.

Mr. B.Mayur Reddy, learned Standing Counsel for TSRTC appearing for the appellant, has vehemently submitted that having regard to the fact that the respondent has indulged in cash and ticket irregularities, the learned Single Judge ought not to have exercised his discretion under Section 11-A of the Act. The learned Standing Counsel, however, submitted that in pursuance of the order of the learned Single Judge, the respondent has been reinstated and has been continued in service from 13.11.2009. He has, further, submitted that even after the respondent's reinstatement as fresh Conductor, he has continued with misdeeds by indulging in cash and ticket irregularities, for which penalties were imposed on him.

In our opinion, having regard to the fact that the learned Single Judge has already exercised his discretion in favour of the respondent limiting to his reinstatement as fresh Conductor without any monetary or service benefits, and the order under

appeal was already implemented, it is not a fit case for our interference in exercise of our Letters Patent jurisdiction. This order, however, will not preclude the appellant from initiating appropriate disciplinary action and imposing penalty, if the respondent indulges in the acts of misappropriation in future.

Subject to the liberty given to the appellant as above, the Writ Petition is dismissed.

C.V.NAGARJUNA REDDY, J

A.V.SESHA SAI,J

19.07.2016

v v