

HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.3515 of 2003

ORDER:

This writ petition is filed to declare award in I.D.No.250 of 1998 dated 09.01.2002 as illegal, arbitrary and violative of principles of natural justice and against procedural rules and established norms of law.

2. Petitioner was conductor of Srikalahasthi Depot. Petitioner was allotted duty on Srikalahasthi to Tirupathi ordinary bus service on vehicle No.AAZ-9071 on 29.03.1990. While so, a check was conducted and during that check, petitioner was found with excess amount of Rs.44/- in the cash bag and on that a regular enquiry was conducted for the mis-conduct under Regulation 28 (xxiv) of A.P.S.R.T.C Employees' (Conduct) Regulations, 1963 and petitioner was found guilty of the charge levelled against him. On the basis of enquiry report, a show cause notice was issued to petitioner proposing penalty of reduction of pay to 5 stages with cumulative effect. Petitioner was imposed punishment of reduction of his basic pay by 5 incremental stages for a period of 3 years with cumulative effect and that the period of suspension was treated as not on duty. Petitioner challenged the punishment before appellate authority and also Revisional authority and finally punishment was modified to that of reduction of pay by 2 incremental stages for a period of 2 years without cumulative effective, but the order in respect of period of suspension treated as not on duty was upheld by appellate authority and Revisional authority. Petitioner approached the labour Court challenging the punishment and the labour court dismissed the I.D. and confirmed the orders of Revisional

authority. Challenging the same, present writ petition is filed.

3. According to petitioner, labour court failed to note that there was no proper enquiry in terms of the rules and the punishment imposed is erroneous. It is further contended that the findings and observations of the labour court are arbitrary and against the principles of natural justice.

4. Heard both sides.

5. Advocate for petitioner submitted that there is no misconduct on the part of petitioner and the excess amount found in the cash bag belonged to one passenger by name N. Neelakantam, but the enquiry officer, appellate authority, Revisional authority and labour court failed to consider this aspect and wrongly held that petitioner committed misconduct. He submitted that the period of suspension, which was treated as not on duty is liable to be set aside because already punishment of reduction of 2 increments without cumulative effect is effected but the labour court without considering this aspect simply affirmed the findings of the appellate authority and Revisional authority.

6. On the other hand, advocate for respondents submitted that there is no illegality or procedural violation in the award passed by the labour court, therefore, this court cannot sit as appellate authority over the findings of the labour court and that the writ is liable to be dismissed.

7. I have perused the material papers including order of the labour court dated 09.01.2002. As seen from the material, petitioner himself admitted about the excess cash in his spot statement. It appears that petitioner has not made any attempt to return the excess cash belonging to the single passenger by name

N. Neelakantam. Considering these aspects, labour court held that retaining cash with the petitioner would amount to misconduct and upheld the findings of the enquiry officer, I do not find any illegality or arbitrariness in the award of the labour court. Learned Presiding Officer has elaborately discussed each and every aspect and held that the punishment which is minor in nature was proportionate to the charge of misconduct proved and as there is no infirmity in awarding the punishment the labour court dismissed the Industrial Dispute (I.D) and confirmed the findings of the enquiry officer.

8. Considering these aspects, I am of the view that there is no arbitrariness nor any illegality in the award passed by the labour court to interfere by this Court by exercising the powers under Article 226 of Constitution of India.

9. For these reasons, I am of the view that this writ petition is devoid of merits and liable to be dismissed.

10. Accordingly, the Writ Petition is dismissed. No costs. Miscellaneous Petitions pending in this writ petition, if any, shall stand closed.

S. RAVI KUMAR, J

Date: 04-01-2016.

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