

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.19319 OF 2006

ORDER

The writ petition is filed questioning the award dated 21.01.2006, passed by the Additional Labour Court, Hyderabad in I.D.No.87 of 2002.

The facts in brief are that on 19.2.2002 the 1st respondent was driving the bus bearing No.A.P.11Z 507 having started from Vijayawada to go to Hyderabad at about 7.00 a.m, when the bus reached Kothakonda Village, he had caused an accident by his rash and negligent driving where he has first dashed on the backside of the lorry which was proceeding on the same direction of the bus and an oil tanker which was coming behind it dashed the bus, the bus then moved further and hit a lorry coming opposite to it. The said act of rash and negligent driving on the part of 1st respondent has resulted in extensive damage to the bus and to the lorry on its front side and to the oil tanker which was coming behind it. Thereafter, on completion of the preliminary enquiry, the 1st respondent was served with a charge sheet while asking him to submit his explanation. The enquiry officer found the 1st respondent guilty of the charge of rash and negligent driving and submitted a report. The explanations/objections submitted by the 1st respondent as against the findings of the enquiry officer were not considered and then a show cause notice proposing the punishment of removal from service was served on the 1st respondent. The 1st respondent without submitting any explanation to that show cause notice approached this Court by filing a W.P.No.14423 of 2002 and this Court by an order dated 09.08.2002 dismissed the same at the admission stage by giving an opportunity to the 1st respondent to submit his explanation to the show cause notice and 1st respondent submitted his explanation, but however, the petitioner having not satisfied with the explanation submitted by the 1st respondent, imposed the punishment of removal from service.

Questioning the same, the 1st respondent had approached the Labour Court by filing the impugned I.D and the Labour Court after its full trial directed the petitioner to reinstate the 1st respondent into service with all service and attendance benefits and with full back wages. Challenging the same, the petitioner-Corporation filed the present writ petition.

At the outset, it may be noticed that though the writ of *Certiorari* is prayed for in the writ petition, there is no ground raised to the effect that the findings of the Labour Court are perverse. The Labour Court while dealing with the matter had held that there were no eye witnesses in the case. However, the statement of the 1st respondent as well as the statement of the driver of the lorry bearing No.A.P.16 T 4348 were taken into consideration apart from the endorsement made on the trip sheet by the passengers travelling in the bus. Taking into consideration of all these aspects, the Labour Court allowed the I.D.

Though the learned counsel for the petitioner submitted that the 1st respondent ought not to have been exonerated, there is no material placed before this court to come to a conclusion that the findings recorded by the Labour Court are perverse and unwarranted. The Labour Court had rightly appreciated the facts on record and consequently directed the 1st respondent to be reinstated into service with all benefits. In that view of the matter, I see no merits in the writ petition and no reason to interfere with the award passed by the Labour Court and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs. Miscellaneous Petitions, if any pending in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:21.11.2016,
Gk.

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