

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1694 OF 2009

ORDER:

This Writ Petition is filed by the Andhra Pradesh Road Transport Corporation (in short "the Corporation") challenging the Award dated 10.07.2008 in I.D.No.237 of 2004, passed by the Labour Court-I, Hyderabad.

The brief facts of the case are that the 1st respondent, who was employed as the driver of the Andhra Pradesh State Road Transport Corporation, while working at Vikarabad Depot, was served with a charge-sheet dated 22.12.2001 alleging that on 05.12.2001, he caused the death of one girl, aged about 3 ½ years, on the spot at Narsing Function Hall, Allampally Road, Vikarabad town, on account of his rash and negligent driving of the bus bearing Registration No. AP 10 Z 526 of the Corporation, on his way from Shankerpally to Vikarabad. The charge was held proved and hence, *vide* order dated 27.04.2002, the disciplinary authority passed final orders of removing the 1st respondent from service. The Appeal and the Revision preferred there against also came to be dismissed on 30.09.2002 and 28.02.2003 respectively. Hence, the 1st respondent raised I.D.No. 237 of 2004, wherein the Labour Court-I, Hyderabad passed an Award dated 10.07.2008, partly allowing the petition, directing the reinstatement of the 1st respondent into service with 50% of back wages and with continuity of service. To come to the said conclusion, the Labour Court had recorded a finding that the Conductor did not depose anything against the 1st respondent-Driver and the Superintendent (T), Vikarabad, who conducted Preliminary Enquiry, was not an eye-witness, he relied on the statement of one shop keeper viz., K. Padma Rao, who was alleged to be eyewitness to the incident, but that person was not examined. In the Award, it has also been observed that there was no iota of evidence

against the 1st respondent-driver to say that he was guilty of the charge levelled against him. Aggrieved by the impugned Award, present Writ Petition is filed.

Heard Sri N. Vasudeva Reddy, learned Standing Counsel for the Corporation, Sri A. Thirupathi Reddy, learned counsel for the 1st respondent and learned Government Pleader for 2nd respondent.

Considering the respective submissions and a perusal of the record discloses that it is a case of no evidence. The finding recorded by the Labour Court itself is that there is no iota of evidence and in fact, the Labour Court has recorded a finding that the 1st respondent-Driver was not guilty in any manner. However, there is no material brought before this Court to set aside the said finding except making reliance on few of the judgments, which are raised in the grounds of writ petition. When a question of perversity is finding by the Presiding Officer, unless the said finding is demonstrably wrong, the said finding arrived by the Labour Court need not be interfered with in exercise of the 'Certiorari' jurisdiction. Further, learned Presiding Officer, as a matter of fact, restricted the back-wages only to the 50%, which also cannot be said to be unjustifiable on account of the fact that the 1st respondent was found not guilty of the charges levelled against him. However, there being no grounds for interference of the Award of the Labour Court, this Writ Petition is liable to be dismissed.

Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. As a sequel, miscellaneous petitions pending, if any, shall also stand closed.

CHALLA KODANDA RAM, J

Dated: 29.08.2016
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