

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 1481 OF 2009

O R D E R:

The petitioner was appointed as the Conductor in Andhra Pradesh State Road Transport Corporation (for short, 'the Corporation') in 1995. He was charge-sheeted on the allegation that on 16.04.2003, while conducting the bus bearing Registration No. 8696 between Kadapa and Vakadu, a check was conducted by the Travelling Ticket Inspectors (TTIs) and it was found that the petitioner has collected Rs.84/- from two passengers, but issued tickets of lesser denomination. After conducting inquiry, he was removed from service. The petitioner unsuccessfully preferred the Appeal. Thereafter, in the Revision filed by him, the Regional Manager considered the case of the petitioner on humanitarian grounds and hence, through his order dated 30.06.2004, while directing his reinstatement, ordered deferment of annual increment next falls for a period of two years with cumulative effect and directed the intervening period from the date of his removal till the date of reinstatement as 'not on duty' for the purposes of leave, wages, etcetera. That portion of the order, which directed deferment of annual increment and the intervening period from the date of his removal till the date of reinstatement to be treated as 'not on duty', has been challenged in this Writ Petition.

Learned counsel for the petitioner submits that the petitioner has rendered unblemished service to the Corporation so far and that the punishment imposed is disproportionate to the

misconduct attributed against him. In that view of the matter, the learned counsel prays that the punishment is liable to be modified.

Learned Standing Counsel submits that the Revisional Authority itself has shown lenience in the matter and hence, the Writ Petition deserves to be dismissed straightaway.

Perused the material and considered the rival submissions. It is to be seen at the outset that the petitioner has not challenged the order dated 30.06.2004 before the Industrial Tribunal, if at all, which could have exercised the power available to it under Section 11-A of the Industrial Disputes Act, 1947. The Regional Manager, through the order impugned has shown the utmost leniency in favour of the petitioner and directed his reinstatement, ordered deferment of his annual increment next falls for a period of two years with cumulative effect and directed to treat the intervening period from the date of his removal till the date of reinstatement as 'not on duty' for the purposes of leave, wages, etcetera.

Now, it is also a settled principle of law that for the offences involving cash and ticket irregularities, removal from service is the appropriate of the punishments. In that view of the matter, this Court cannot substitute its opinion with that of the Revisional Authority, particularly in view of the order of the Revisional Authority went unchallenged before the Labour Court/Industrial Tribunal.

In these circumstances, I do not see any reason to interfere with the discretion exercised by the Regional Authority while

passing the impugned order. Hence, the Writ Petition stands dismissed. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

CHALLA KODANDA RAM, J

06th September 2016

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