

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4332 OF 2005

O R D E R

By way of this writ petition, the Andhra Pradesh State Road Transport Corporation (APSRTC) assails the Award dated 16.03.2004 passed by the Industrial Tribunal-cum-Labour Court, Anantapur, in I.D.No.318 of 2001.

By interim order dated 07.03.2005, this Court granted stay of the operation of the Award under challenge.

Despite service of notice, the second respondent-workman did not choose to enter appearance before this Court either in person or through learned counsel.

Perusal of the Award under challenge reflects that the charge against the second respondent-workman, a Conductor in the service of the APSRTC, was that he had committed certain cash and ticket irregularities. The charge having been duly proved, the second respondent was removed from service. Aggrieved thereby, he approached the Labour Court under Section 2A(2) of the Industrial Disputes Act, 1947. Accepting the charge held proved against the second respondent, the Labour Court interfered on the ground that the punishment of removal was grossly disproportionate to the proved misconduct.

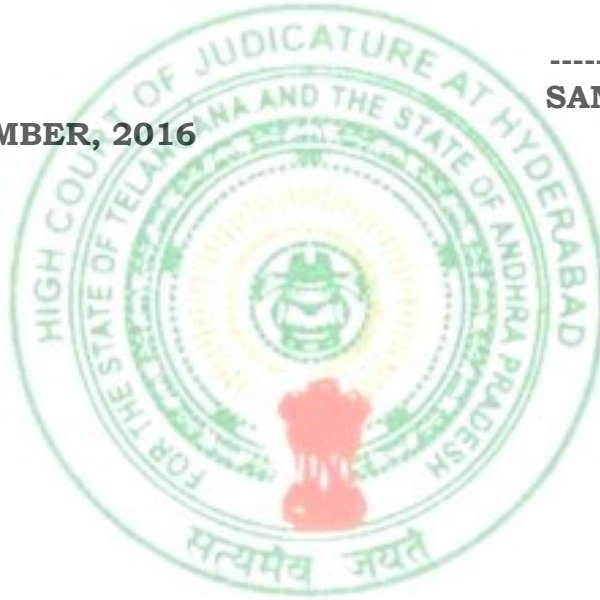
This understanding of the Labour Court is contrary to the settled legal position that in a case involving cash and ticket irregularities, the question of the punishment being disproportionate would not arise as the employer, APSRTC, would lose confidence and trust in the Conductor who is held guilty of

committing such irregularities. The quantum of the amount involved would have no role to play in a matter of this nature. The relief granted by the Labour Court on this ground is therefore unsustainable in law.

The writ petition is accordingly allowed setting aside the Award dated 16.03.2004 passed in I.D.No.318 of 2001 on the file of the Industrial Tribunal-cum-Labour Court, Anantapur.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

17TH SEPTEMBER, 2016
PGS



SANJAY KUMAR,J