

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.681 of 2011

DATED : 27.07.2016

Between:

M. Gurappa S/o.M.Venkatappa,
Aged about 42 yrs, Occu : Junior Assistant,
APSRTC, Chittoor Depot-II,
Chittoor District.

.. Petitioner

AND

The APSRTC rep.,
By its Managing Director,
Bus Bhavan, Musheerabad, Hyderabad & 3 others.

.. Respondents

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The Court made the following:

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ORDER:

Petitioner was a conductor at the relevant point of time. When he was on duty in the bus of Madanapalle depot on 19.05.2006, the checking officials of Regional Enforcement Wing have exercised a surprise check on the vehicle at about 17.45 hours at Kalikiri between Piler and Madanapalli, and detected serious cash and ticket irregularities. Disciplinary proceedings were initiated and he was placed under suspension on 29.05.2006 and issued a charge memo dated 29.05.2006, wherein two charges were levelled against the petitioner. The sum and substance of the allegation in the first charge is failure to issue sufficient value of tickets for actual fare collected from the passenger and the allegation in the second charge is issuing ticket worth Rs.21/- after collecting Rs.23/-. However, the suspension order was revoked on 15.09.2006. Thereafter, by an order dated 02.11.2006 the petitioner was imposed with punishment of with holding annual increment for a period of two years having an effect of postponement of future increments and treating then period of suspension as "not on duty". Aggrieved thereby the petitioner preferred an appeal and the same was rejected. Hence, this writ petition.

2. Heard learned counsel for the petitioner and learned standing counsel for the respondents.

3. It is vehemently contended by the learned counsel for the

petitioner that by mistake petitioner issued wrong denomination ticket to the concerned person, whereas the ticket was meant for cat card holder and over all there is no change in the issuance of tickets and the petitioner is falsely implicated and visited with very harsh punishment. Learned counsel placed reliance on the statement given by the concerned passenger who sought to contend that due to mistake the tickets were exchanged.

4. Learned Standing counsel produced record of the disciplinary proceedings. He also contended that petitioner has admitted that he has issued ticket of denomination for an amount of Rs.21/-, though he had collected an amount of Rs.23/- on a wrong premise that the passenger was holding a cat card and Rs.2/- was returned to him later.

5. The said statement given by the petitioner immediately after the inspection would substantiate the stand of the respondent that petitioner has issued ticket of less denomination than the amount collected from the passenger but petitioner sought to claim return of Rs.2/- *post facto*, only to overcome the earlier illegality. In fact, such conduct of the petitioner amounts to mis-appropriation, at any rate temporarily, even if the amount is returned. Admittedly, even according to his own statement, the passenger did not hold cat card and when checking officials asked the passenger to produce cat card, he stated that it was misplaced which would mean that he was not carrying the cat card on that day. Ordinarily, for the journey undertaken by the concerned passenger, he was entitled to pay an amount of Rs.23/- to purchase the ticket and in fact he paid the amount. Thus, issuing less denomination ticket to the journey undertaken by the passenger and retaining amount of Rs.2/- so collected from the passenger, amounts to serious misconduct. There is no procedural illegality or infirmity in the disciplinary action. Thus, I do not see any error in the punishment imposed on the petitioner and the petitioner

deserves no consideration.

6. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

P.NAVEEN RAO, J

27th July, 2016

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