

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 635 OF 2009

ORDER:

The order dated 21.03.2007 in I.D.No. 35 of 2006 on the file of the Industrial Tribunal-I, Hyderabad is challenged in this Writ Petition.

The petitioner was appointed as the Conductor in the Andhra Pradesh State Road Transport Corporation (for short hereinafter be referred to as 'the Corporation') on 04.04.1983. While so, for committing cash and ticket irregularities, he was imposed with the punishments, which are to the following effect:

- 1) Deferment of annual increment when next falls due for a period of three years with cumulative effect *vide* proceeding dated 20.07.1985 of Depot Manager, APSRTC, Kamareddy.
- 2) Withholding of the annual increment when next falls due for a period of two years with cumulative effect *vide* order dated 29.06.1985 of Depot Manager, APSRTC, Kamareddy.
- 3) Deferment of annual increment when next falls due for a period of five years which shall have the effect on his future increments besides treating the period of suspension as not on duty *vide* order dated 06.04.1984 by the Depot Manager, APSRTC, Nizamabad.

Challenging the imposition of the said punishments, the petitioner approached the Industrial Tribunal by filing I.D.No. 35 of 2006. On 21.02.2007, when the I.D. was listed for hearing, the petitioner did not present. Though the matter was passed over, there was no representation on behalf of the petitioner. Hence, the learned counsel for the respondent was heard and the Industrial

Dispute was reserved for judgment, which came to be delivered on 21.03.2007 resulting in its dismissal.

Learned counsel for the petitioner submits that the order impugned was passed *ex parte*, without giving any opportunity to the petitioner to put forward his case. In that view of the matter, the learned counsel seeks that the matter be remanded to the Industrial Tribunal for its consideration afresh.

On the other hand, the learned Standing Counsel for the Corporation submits that since the disciplinary authority had taken a lenient view and imposed the punishments mentioned above, which are not shockingly disproportionate to the misconduct exhibited by the petitioner, the Tribunal has rightly exercised its discretion and hence, came to the conclusion that the provisions of Section 11-A of the Industrial Disputes Act, 1947 cannot be invoked. The learned Standing Counsel further submits that the inordinate delay of 20 years in raising the Industrial Dispute from 20.07.1985, the date on which the disciplinary authority passed the order imposing the penalty remained unexplained.

Considered the rival submissions. A perusal of the material available on record clearly shows that the petitioner was habituated to commit cash and ticket irregularities resulting in loss to the exchequer of the Corporation.

Here it is to be noted that the Corporation is a public-sector undertaking, which runs mainly on the revenue generated from the services operated by it. The personnel employed in the Corporation are under an obligation to maintain discipline and

integrity. The moral turpitude on the part of the employees of the Corporation would certainly give a dent to the name and fame of the Corporation and hence, it has to be viewed seriously.

In this case, the petitioner was imposed with the penalty of deferment of increments for three times. Therefore, this Court is of the opinion that the Industrial Tribunal has rightly exercised its discretion and dismissed the Industrial Dispute. Further, the fact that the petitioner approached the Tribunal with the delay of 20 years works against him. Now, it is also brought to the notice of this Court that the petitioner has already retired from the service on 31.12.2012.

Keeping all these factors in view, this Writ Petition is liable to be dismissed as it does not merit any consideration by this Court in exercise of its jurisdiction under Article 226 of the Constitution. It is accordingly, dismissed. No costs.

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

CHALLA KODANDA RAM, J

06th September 2016

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