

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND**

THE HON'BLE DR.JUSTICE B.SIVA SANKARA RAO

WRIT APPEAL NO.1127 OF 2015

JUDGMENT: *(Per Hon'ble Sri Justice Nooty Ramamohana Rao)*

This writ appeal is directed against the order and judgment rendered by the learned single Judge dismissing the W.P.No.5820 of 2005 instituted by the petitioner/appellant herein, calling in question the correctness of the award passed by the Industrial Tribunal – cum – Labour Court in I.D.No.145 of 2002.

The petitioner/appellant was employed as a conductor with the Andhra Pradesh State Road Transport Corporation and he has been removed from service on 22.04.1999 upon a finding that he has indulged in cash and ticket irregularities.

The relevant facts are as follows:

The petitioner was conducting a bus plying in between Narsipatnam in Visakhapatnam District and Bhadrachalam in Khammam District on 09.09.1998 and it was checked by the checking officials of the Corporation. At the point of check, there are only 9 passengers in the bus and 2 of them, though paid Rs.24/- each to the conductor, the conductor gave them tickets worth Rs.0.50 ps towards their luggage. The only silver lining to the darker cloud was that the petitioner/appellant was fairly truthful as in his spot explanation he has admitted his guilt in having collected Rs.24/- from each of them, but issuing luggage tickets of Rs.0.50 ps denomination to them. The domestic tribunal found the petitioner/appellant guilty of the misconduct. The finding of the domestic tribunal has been accepted by the disciplinary authority, the appellate authority and the revisional authority of the Corporation and the Labour Court has found no mitigating factors available on record for interference with such findings and consequently the order of punishment has been upheld

by the Labour Court.

The learned single Judge has considered the entire matter in a proper perspective and finding that a conductor, who is guilty of cash and ticket irregularities, cannot expect any other factor to be taken into account or consideration in the matter of choosing the punishment to be inflicted upon such an individual, dismissed the W.P.

The Corporation, a public sector undertaking runs its operations for purpose of providing transportation facilities for the general public to enable them to commute from one distance to another at a reasonable rate and in that process the Corporation earns revenue by way of ferrying the passengers and also collecting the fare for transporting commercial freight. The Corporation is, therefore, squarely dependent upon the faithful collection of the fare by its conductors and after collecting the fare, the conductor is required to book it to the account of the Corporation by making necessary entries in the statistical register with regard to the sale of tickets carried out by him. If a conductor does not issue a proper ticket for the fare collected, the income thus raised by the conductor by collecting the fare does not get booked to the account of the Corporation. Consequently, the Corporation will be poorer in not securing the income, which is otherwise legitimately due to it. The irregularity, whether it is one rupee or more than that, is of no relevance when it comes to the question of choosing the punishment. Men whose integrity is suspect can hardly be trusted by a public sector undertaking. Hence, we do not find any justifiable reason to admit this writ appeal as we find no infirmity whatsoever in the order and judgment rendered by the learned single Judge.

Accordingly, the writ appeal fails and it is dismissed. No costs.

Consequently, the miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE DR.B.SIVA SANKARA RAO

17.03.2016

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