

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.5575 OF 2009

ORDER:

This writ petition is filed against the Award dated 11.01.2008 passed by the Labour Court in I.D.No.48/2005 to the extent of denial of backwages.

The case of the petitioner is that he was appointed as driver in the respondent Corporation and he was instructed to perform the duty of the driver on route No.226 on 16.01.2002, and also the duty of conductor though he was not equipped with the duties of the conductor and not trained and not licensed and not known the correct functions of the conductor job. While so, on 16.01.2002, the checking officials exercised check and alleged certain irregularities against the petitioner. Though the petitioner submitted spot explanation, the respondent issued the charge sheet and suspension order on 08.02.2002 without furnishing the basic documents under what basis, the charge sheet and suspension order was issued. However, the petitioner submitted explanation to the charge memo, but the respondent without considering the same passed orders of removal. Aggrieved by the orders of removal the petitioner approached the Labour Court by filing I.D.No.48/2005 and the Labour Court vide its impugned Award set aside the order of removal directing the respondents to reinstate the petitioner into service with continuity of service but without back wages. Seeking the relief of back wages, the present writ petition is filed.

Heard the learned Standing counsel for the respondents.

It is to be seen that the charges leveled against the petitioner are as follows:

“1.For having collected an amount of Rs.62/- from a batch of 4 passengers at the rate of Rs.15-50 each at their boarding place itself who were found traveling from Secunderabad to LIG without tickets ex-stages 14 to 3 and on sighting the TTIs at Balanagar Stage No.11 you have issued the ticket No.57228 at 9.29 hours to the said 4 passengers, which constitutes misconduct in terms of Reg.28(x) of APSRTC Employees (Conduct) Regulations, 1963”.

2. For having failed to update the tickets issuing Machine from Station to Balanagar, ex-stages 14 to 11, which constitutes misconduct in terms of Reg.28(xxxii) of APSRTC Employees (Conduct) Regulations, 1963.”

The petitioner was issued charge memo and regular departmental enquiry was conducted and found that the said charges are proved and the same was confirmed by the disciplinary authority by passing order of removal against the petitioner.

The enquiry officer relied on statements of the passengers and the evidence of the checking officials with regard to the plea of the petitioner that TMS machine was not working when the passengers boarded the bus and found that the said machine was working at that point of time. As such, the said plea of the petitioner was negated by the disciplinary authority. The Labour Court while confirming the conclusion drawn by the disciplinary authority, modified the quantum of punishment by setting aside the removal order and granted reinstatement to the petitioner without back wages.

This Court cannot reappreciate the evidence and set aside findings of facts arrived at by Labour court as well as authorities below by exercising power of judicial review under Article 226 of Constitution of India.

In view of the above facts and circumstances, I do not see any merit in the writ petition. Accordingly, the writ petition is dismissed. No costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

09-12-2016
dv



A.RAJASHEKER REDDY,J

