

**THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.2461 OF 2009**

**ORDER:**

This writ petition is filed against the Award passed by the Industrial Tribunal-cum-Labour Court, Anantapur in ID.No.145 of 2000, dated 09.04.2003 wherein the Labour Court dismissed the ID holding that the charges are proved and that the punishment imposed against the petitioner by the respondent Corporation is not disproportionate to the proved misconduct.

The charges leveled against the petitioner are as follows;

1. For having failed to remit the bus cash of Rs.2,000/- even after selling Rs.20/- denomination ticket block bearing ticket numbers from 238/798800 to 99 on 20.04.1998 and 21.04.1998 vide SR.No.6444945, dated 20.04.1998 and 6441220, dated 21.04.1998 and misappropriated the amount which constitutes serious misconduct under Reg.28(x) of APSRTC Employees (Conduct) Regulations, 1963.
2. For having accounted the sale of tickets of Rs.20/- denomination in improper manner on 20.04.1998 and 21.04.1998 in SR.No.238/798800, in the Way Bills of 20.04.1998 and 21.04.1998 in SR.No.6444945 and 6441220, respectively which constitutes misconduct under Regulation 28 (xxxii) of APSRTC Employees (Conduct) Regulations, 1963.
3. For having failed to show the sale particulars of Rs.20/- denomination ticket block bearing No.238/798800, in the Way Bills of 20.04.1998 and 21.04.1998, though you

have sold the tickets as per the SRs bearing Nos.6444945 and 6441220, respectively, which constitutes misconduct under Regulation 28 (xxxii) of APSRTC Employees (Conduct) Regulations, 1963.

The ground taken by the petitioner that he is suffering from ill-health was not established by the petitioner and the enquiry officer submitted his report holding that the charges are proved. Thereafter, the Disciplinary Authority passed orders dated 21.12.1998 removing the petitioner from the service. The appeals as well as revision filed by the petitioner were also rejected on 27.05.1999 and 14.09.1999, respectively confirming the orders passed by the Disciplinary Authority. The Labour Court also once again gone into the said aspects and held that there is sufficient material before the Enquiry Officer to arrive at his conclusions; that the findings of the Enquiry Officer are not perverse and that the charges leveled against the petitioner are proved.

In view of the findings of the Disciplinary Authority, Appellate Authority, Review Authority and the Labour Court, this Court cannot re-appreciate the evidence and come to a different conclusion by exercising power of Judicial review under Article 226 of the Constitution of India. More so, the Labour Court passed award on 09.04.2003 and the writ petition is filed in the year 2009 and no reasons are stated by

the petitioner in the writ affidavit for approaching this Court after a period of six years.

In view of the aforesaid facts and circumstances, this writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

09.12.2016  
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**A.RAJASHEKER REDDY, J**

