

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**MONDAY, THE TWELVETH DAY OF SEPTEMBER,
TWO THOUSAND AND SIXTEEN**

**Present
HON'BLE SRI JUSTICE P.NAVEEN RAO**

Writ Petition No.10652 of 2011

Between:

G.R.Prasad, s/o.Lakshmipathi, 46 years, E.508266, Driver,
APSRTC, Kuppm Depot, Chittoor District and others.

.. Petitioners

AND

The Depot Manager, APSRTC., Kuppm Depot, Chittoor District.

.. Respondent.



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.10652 of 2011

ORDER

Petitioners are employees of respondent Corporation. Alleging that in violation of the prohibitory orders, petitioners have suddenly participated in work-to-rule agitation in an illegal strike and willfully refused to perform duties that were assigned, which resulted in causing loss of earnings to the Corporation, disciplinary proceedings were initiated. They were served with charge memo calling for their explanation. Against each of the petitioners, charge memo was issued fixing the amount of loss caused on account of their conduct in not attending to work. Explanations filed by the petitioners were considered and orders were passed directing recovery of amount quantified to the respective petitioners. Challenging the orders of recovery, this writ petition is filed.

2. Heard Sri K. Venkata Rama Krishna holding for Sri K. Venkata Ramaiah, learned counsel for petitioners and Sri A. Rama Rao, learned Standing Counsel for respondent Corporation.

3. Learned counsel for petitioners would submit that it is not permissible to recover such huge amount without conducting proper enquiry, whereas only based on the show cause notice, the orders were passed imposing financial liability. He would further submit that participation in the strike cannot be classified as illegal and individual employees cannot be penalized on the alleged loss caused to the respondent Corporation. He would further submit that the loss

assessed by the respondent Corporation was not based on any material on record and arbitrarily decided by the Corporation.

4. Learned Standing Counsel for respondent Corporation would submit that several employees have participated in the strike even though the strike was prohibited. On account of the employees participating in the strike, the services were disrupted causing huge inconvenience to the passengers and tarnishing the image of the respondent Corporation. He would submit that on an average, the revenue generated on a particular route has been taken into consideration in assessing the loss caused on account of each of the petitioners participating in the strike and not attending to work. He would further submit that the said exercise was done before assessing the loss and individual amount was quantified. He would submit that Rule 8 of the APSRTC Employees' (Classification, Control and Appeal) Regulations, 1967, prescribes penalties and 'recovery' is one of the minor punishments and that the punishment imposed is valid. He would submit that the action of petitioners is in violation of the conduct regulations and therefore, the punishment imposed is just and reasonable.

5. It is not in dispute that the petitioners have participated in the strike call given by the employees and on account of not attending to work, the services were disrupted causing inconvenience to the passengers as well as loss to the respondent Corporation. Regulation 28 of APSRTC Employees' (Conduct) Regulations, 1963 prescribes general provisions of conduct of employees of the

Corporation; sub-regulation (viii) prescribes insubordination or disobedience, whether individually or with another or others, to any lawful order of a superior officer, as misconduct; sub-regulation ix(a) prescribes gross negligence resulting in or likely to result in serious loss to the Corporation or inconvenience to the public or both, as also a misconduct; sub-regulation (xii) also prescribes striking work or inciting others to strike work in contravention of the provisions of law in force for the time being as a misconduct. General violation of any such conduct, which is not permissible and which is in violation of the orders of the competent authority, also amounts to misconduct. Participation in the strike, which is prohibited by the employer, certainly amounts to misconduct. Therefore, I do not see any illegality or irregularity in taking disciplinary action and in imposing punishment. It cannot be said that the quantum of amount ordered to be recovered from each of the petitioners is excessive since the amount was quantified basing on average revenue generated on the concerned route to which they were assigned duty. Therefore, I see no error in the action of the respondent Corporation.

6. The Writ Petition has no merit and is accordingly dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

12th September, 2016
sj

P. NAVEEN RAO, J