

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.1483 of 2008

ORDER:

The first respondent was initially engaged as temporary Conductor on daily wage basis in the year 1990 and subsequently, his services were regularized. While the first respondent was conducting Bus No.3821 on route Nalgonda to Devarakonda on 29.07.2004, at stage No.14/13 i.e., at Kothaguda, the checking officials of Regional Enforcement Squad, Nalgonda, exercised a check and detected that the first respondent failed to issue tickets to two passengers, despite collecting the requisite fare of Rs.3/- from each passenger at their boarding point itself i.e., at Nalgonda. On the basis of said irregularity, an enquiry was conducted by framing the following charges”

“CHARGE:-

- 1) For having failed to observe the rule issue and start while conducting bus No. AP 10Z 3821 on route NLG to DVK on 29.7.2004 which constitutes misconduct under Regulation 28 (vi) (a) of APSRTC Employees (Conduct) Regulations 1963.
 - 2) For having collected Rs.6.00 from two passengers (Rs.3.00 each) at the boarding point itself and failed to issue tickets who boarded the bus at stage No.14/13 without tickets, which constitutes conduct under Reg.28 (vi) (a) of APSRTC Employees (Conduct) Regulations 1963.”
2. After submission of enquiry report, an opportunity was given to the first respondent to submit his objections, by letter, dated 10.12.2004, and the first respondent submitted his objections. A show cause notice of removal was issued on 10.01.2005 and final orders were passed on 31.01.2005 removing the first respondent from service. The appeal was rejected by the Divisional Manager on

13.05.2005 and review petition was also rejected by the Regional Manager on 21.10.2005.

3. In view of above circumstances, the first respondent raised I.D.No.126 of 2005 and the Labour Court by its Award, dated 07.02.2007, came to the conclusion that the act committed by the first respondent was a mistake not amounting to misconduct and held that punishment imposed on the petitioner was disproportionate to the said mistake and accordingly, set aside the order of removal and directed reinstatement into service with continuity of service, but without back wages and attendant benefits. It was also felt that stoppage of two increments with cumulative effect would meet the ends of justice.

4. The Labour Court came to the above conclusion on the ground that there were already 70 passengers in the bus and the petitioner was in the act of issuing the tickets, which resulted in delay in collecting the fare amount from two passengers and delay in issuing the tickets. When Ex.M.2-explanation submitted by the first respondent also shows the delay in issuing the tickets, the said finding of fact arrived at by the Labour Court on the basis of evidence adduced before it, cannot be called as perverse warranting interference from this Court.

5. The Writ Petition is, accordingly, dismissed. Miscellaneous petitions, if any, pending shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

DECEMBER 05, 2017

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Date: 05.12.2017

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