

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.13454 of 2009

ORDER:

Heard learned counsel for the petitioner and learned Standing Counsel appearing for the respondent-Corporation.

2. The petitioner was appointed in the respondent Corporation on 04.04.1998 and later his services were regularized with effect from 01.08.1998. While so, he was conducting bus on 10.11.2003 on route Jaggaiahpet-Chintraial, the checking officials checked the bus at 3/4th stage and issued a charge memo based on the report of the checking officials.

3. The second respondent issued a charge sheet on 18.11.2003 and kept the petitioner under suspension. Pending departmental enquiry in respect of said charges, the petitioner submitted explanation on 24.11.2003 and since the explanation was not proper, an Enquiry Officer was appointed. The Enquiry Officer submitted his report on 05.02.2004 holding that charges were proved. When the respondents called for objections on the enquiry report, the petitioner submitted his comments on 17.02.2004 and after considering the same, a show-cause notice for removal was issued on 29.03.2004. He was removed from service by proceedings, dated 19.04.2004 and the same was confirmed by the appellate authority and the reviewing authority by its orders, dated 29.07.2004 and 06.09.2005 respectively. Challenging removal order, dated 19.04.2004, the petitioner filed I.D.No.185 of 2005 before the Labour Court, Guntur and the Labour Court, Guntur, by its Award, dated 19.02.2009, dismissed the application upholding the order of dismissal from service. Against the same, the present Writ Petition is filed.

4. The charges levelled against the petitioner are as follows:

“1) For having reissued the ticket Nos.206/913315, 316 and 318 of Rs.7/- denm. to a batch of 3 passengers, who boarded the bus at JPT and bound for Dondapaud, ex-stages 1 to 5 which were already issued in 13-45 Hrs Chintrial-JPT trip from stages 5 to 1 and accounted the same tickets against stage No.5 in STAR No.037739203, which constitutes misconduct vide Reg.28 (xxiii) of APSRTC Employees (Conduct) Reg. 1963.

2) For having knocked away the legitimate revenues of the Corporation to an extent of Rs.21/- by reissuing the above tickets of Rs.7/- while were performing duty on route JPT-Chintrial on 10.11.03 which constitutes misconduct vide Reg.28 (xxxi) of APSRTC Employees Conduct Reg.1963.”

5. A domestic enquiry was conducted and on the basis of report submitted by the Enquiry Officer, the petitioner was removed from service on 19.04.2004. When the petitioner approached the Labour Court, the Labour Court framed the following points for consideration:

“The main points for consideration in this case are:-

1) Whether, the charges are proved, if so, whether, the punishment of removal of the petitioner for the service is proportionate or disproportionate?

2) Wt relief?”

6. The Labour Court, in its Award, dated 19.02.2009, carefully considered the evidence on record and held point No.1 against the petitioner. The Labour Court also noticed that the petitioner did not challenge the legality of the enquiry. The petitioner also did not produce any documentary or oral evidence before the Labour Court. On the basis of the evidence adduced by the respondents under Exs.M1 to M.20, the Labour Court held against the petitioner.

7. In view of concurrent findings of fact recorded by appellate authority, reviewing authority and the Labour Court, in the absence of any error apparent on the face of the record, this Court is not inclined to entertain the present Writ Petition.

8. Accordingly, the Writ Petition is dismissed. Miscellaneous petitions, if any, pending in these writ petitions, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

DECEMBER 12, 2017
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Date: 12.12.2017

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