

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.19877 OF 2005

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue an appropriate writ or direction particularly one in the nature of Writ of Certiorari, quash the impugned award dt.14.03.2005 made in I.D.No.52 of 2004 on the file of the Industrial Tribunal-II, Hyderabad, published on 18.07.2005 in not granting any relief as arbitrary, unjust and in violation of Art.14, 16 & 21 of the Constitution of India, and consequently direct the respondents to reinstate the petitioner into service along with all consequential benefits in the interest of justice and fair play.”

2. Case of the petitioner, in brief, is as follows:-

The petitioner was working as Conductor in the Andhra Pradesh State Road Transport Corporation. During October, 2000, he was working in Nizamabad-I Depot under respondent No.2. On proof of cash and ticket irregularities in the domestic enquiry against the petitioner, he was removed from service by respondent No.1. The appeal and review preferred by the petitioner to the departmental authorities were also dismissed. Aggrieved by the said removal order, the petitioner filed I.D.No.38 of 2002 on the file of the Labour Court – II, Hyderabad praying to pass an Award setting aside the removal order, dated 25.4.2001, passed by respondent No.2 and for a direction to the respondents to reinstate him into service with continuity of service, back wages and other attendant benefits. Subsequently, the Government of Andhra

Pradesh was pleased to transfer the said I.D. to the Industrial Tribunal – II, Hyderabad and the same was renumbered as I.D.No.52 of 2004. The Industrial Tribunal held that the punishment imposed against the petitioner is appropriate and the petitioner could not be entitled for any relief and accordingly, dismissed the petition without costs. Challenging the said Award, the petitioner filed this writ petition.

3. After arguing for sometime, learned counsel for the petitioner submitted that the petitioner remained unemployed after removal from service and as such, the petitioner and his entire family members are facing untold hardship; that the petitioner has only six years of service and therefore, a lenient view may be taken against the petitioner and reinstate him into service.

4. Learned Standing Counsel appearing for the respondent Corporation opposed this writ petition and submitted that within four years of service, the petitioner has committed this grave offence and that once the petitioner is found guilty, he cannot be shown any leniency. He also placed reliance on a catena of judgments rendered by this Court as well as the Apex Court.

5. The irregularities committed by the petitioner are trivial in nature. Hence, this Court is of the view that the punishment imposed by the authorities below is disproportionate to the charges proved. Considering all the facts and circumstances of the case and as the petitioner has only six years of service, the order, dated 14.03.2005, passed in I.D.No.52 of 2004 on the file of the Industrial Tribunal-II, Hyderabad is hereby set aside and the respondents are directed to reinstate the petitioner into service

within a period of eight (8) weeks from the date of receipt of a copy of this order. However, the petitioner is not entitled to any back wages or continuity of service.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

Date: 11.09.2017
AMD



THE HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.19877 OF 2005

Date: 11.09.2017

AMD