

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5115 OF 2001

ORDER:

This writ petition is filed challenging the award of the Industrial Tribunal-cum-Labour Court in I.D.No.185 of 1994 dated 13-11-1996 to the limited extent of denying back wages, continuity of service and attending benefits.

Heard Sri S.M.Subhan, learned counsel for the petitioner and Sri A.Rama Rao, learned Standing Counsel for A.P.S.R.T.C.

It is the case of the petitioner that he was initially appointed as a conductor on temporary basis on 24-1-1986 and subsequently regularized on 1-7-1986. While he was conducting the bus on 29-2-1992 on route Nandikotkuru to Kothakota, a check was conducted by the Checking Squad. In that check, certain irregularities were found in issuing tickets as well as in cash balance. In this connection, a charge memo was issued and the petitioner submitted an explanation to the charge memo. The Disciplinary Authority, not being satisfied with the explanation, submitted by the petitioner, has ordered for a Departmental Enquiry. In the enquiry, charge was proved and the petitioner was removed from service on 22-10-1992. Aggrieved thereby, the petitioner had preferred an appeal to the appellate authority and the appellate authority had rejected the appeal. Questioning the same, he preferred I.D.No.185 of 1994 on the file of 1st respondent and the 1st respondent having considered the entire case held that the order of removal is highly disproportionate and partly allowed the I.D. on 13-11-1996 with a direction that the petitioner be appointed afresh as conductor.

Challenging the said orders to the extent of denying back wages, continuity of service and other attendant benefits, the present writ petition is filed.

The 2nd Respondent filed counter contending that the Labour Court has elaborately discussed the matter and considered the case of the petitioner as fresh appointment and rightly denied the back wages, attendant benefits and continuity of service. It is further contended by the 2nd respondent that the petitioner was appointed as conductor afresh in February, 1997.

I have gone through the case record and carefully considered the submissions of the parties. The Labour Court had considered all the aspects in proper perspective and allowed the I.D. holding that the punishment of removal is disproportionate. The rest of the contentions of the petitioner were not considered, by appreciating the entire evidence on record.

Therefore, I see no illegality in the orders passed by the Labour Court in I.D.No.185/94 on 13-11-1996 and as such, this writ petition is liable to be dismissed. Accordingly, this writ petition is dismissed.

As a sequel, miscellaneous applications pending, if any, shall stand closed. No order as to costs.

JUSTICE ABHINAND KUMAR SHAVILI

Dated 21st November, 2017.

Dvs

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI



WRIT PETITION No.5115 OF 2001

Dated 21st November, 2017.

Dvs