

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**W.P.No.16742 of 2017****ORDER:**

Heard the learned Standing Counsel for the petitioner.

2. This Writ Petition has been filed by the petitioner challenging the award dt.01-07-2014 in I.D.No.39 of 2008 of the Industrial Tribunal cum Labour Court cum VI Additional District Court, GodavariKhani.

3. The respondent was employed as a conductor in the petitioner-Corporation. Charge memo was issued to the respondent alleging that he had collected the fare but not refunded the excess amount paid by the passengers as under:

“CHARGES:-

1. *For having collected Rs.340/- instead of requisite fare of Rs.332/- (each ticket worth of Rs.166/-) i.e. 4/- excess collected on each ticket and issued tickets to a batch of two passengers who boarded your bus at GDK and bound for HYD but issued tickets worth Rs.312/- only i.e. of lower fare than the requisite fare and collected fare, which is a serious misconduct in terms of Reg. No.28(xxxii) of APSRTC Employees (Conduct) Reg. 1963.*
2. *You have received Rs.500/- and issued tickets worth of Rs.312/- only which is requisite fare to a batch of two passengers and endorsed Rs.500/- on the reverse side of the ticket No.20316 stated that the fare is Rs.170/- per each ticket, who boarded your bus at GDK and bound for HYD, which is a serious misconduct in terms of Reg.No.28 (xxxii) of APSRTC Employees (Conduct) Reg. 1963.*
3. *You have received Rs.200/- from a passenger and issued requisite fare ticket worth of Rs.166/- stating that the fare is Rs.170/- and endorsed as Rs.30/- on the reverse side of the ticket No.20315 who boarded your bus at GDK and bound for HYD, which constitutes*

misconduct in terms of Reg.No.28 (xxxii) of APSRTC Employees (Conduct) Reg. 1963.

4. *For having closed the tickets up to stage No.03, without completing the above ticket issues properly, which constitutes serious misconduct in terms of Reg. No.28 (xxv) of APSRTC Employees (Conduct) Reg. 1963.”*

4. The respondent contended in defence that he issued tickets to all passengers who boarded the bus properly and that he had no knowledge about the tickets and systems. But he was entertaining some confusion about opening of TIMs computer machine. He also stated that he issued tickets correctly to the two passengers who boarded the bus at Godavarikhani and due of Rs.8/- was not noted on the reverse of the ticket because he wanted to return it immediately; that he gave a ticket for Rs.156/- to two passengers who have given Rs.500/- note; and that he had noted on the reverse of the ticket that he was given Rs.500/-; and he also endorsed Rs.30/- to be given to the another passenger.

5. However, the petitioner imposed punishment for removal from service. He was therefore removed from the services of the petitioner on 30-05-2008.

6. He raised an industrial dispute under Section 2-A (2) of the Industrial Disputes Act, 1947 which was numbered as I.D.No.39 of 2008 before the Tribunal.

7. On 01-07-2014, the Tribunal set aside the order of removal and directed the respondent's reinstatement without

backwages and treating the period of suspension as 'not on duty'. It also directed continuity of service to be given to him apart from notional increments.

8. Learned counsel for the petitioner sought to contend that notional increments could not have been granted to the respondent by the Tribunal having directed that period of suspension would not be treated as duty.

9. This contention is without merit because the petitioner was awarded continuity of service though not back wages and the period of suspension was very short period between 07-11-2007 and 30-05-2008 only.

10. No other contention was advanced by the learned counsel for the petitioner.

11. Hence, I am of the considered opinion that the Tribunal did not make any error in granting notional increments to the respondent. I therefore, do not find any merit in the Writ Petition.

12. Accordingly, Writ Petition is dismissed at the admission stage. No costs.

13. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 02-06-2017

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