

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.23736 OF 2000

ORDER:

1. This writ petition is filed by the petitioner seeking to issue a writ of certiorari calling for the records relating to and connected with the award in I.D.No.88 of 1990, dated 14.2.1991 on the file of the Industrial Tribunal-cum-Labour Court, Warangal, and to quash the same and consequently, to direct respondents Nos.2 to 4 to reinstate the petitioner into service with continuity of service, backwages and all consequential benefits.

2. Heard Sri B. Sudhakar Reddy, learned Counsel for the petitioner and Sri B. Mayur Reddy, learned Standing Counsel for TSRTC.

3. It has been submitted by the learned Counsel for the petitioner that the petitioner was appointed as conductor on 20.11.1985, and that on 22.5.1989 while he was conducting the sub-urban service bus, a check was conducted and it was noticed by the checking officials that two passengers were travelling without tickets, and that respondents Nos.2 to 4 treating the said irregularity as misconduct initiated disciplinary proceedings against the petitioner, and after conducting a detailed departmental enquiry, the petitioner was removed from service for the proven misconduct, on 3.11.1989, against which the petitioner filed an appeal and the said appeal was rejected, and aggrieved by the same, the petitioner approached the 1st respondent by filing I.D.No.88 of 1990 and that the 1st respondent passed the award on 14.2.1991 and held that the findings of the enquiry officer on the charges leveled against the petitioner had been proved, but however, on the principle of the proportionality, the 1st respondent found fault with the action of respondents Nos.2 to 4 in imposing major penalty of

removal, and set aside the order of removal and directed that the petitioner be appointed afresh. He further submitted that the 1st respondent has not granted continuity of service, backwages and other attendant benefits, and challenging the same, the present writ petition is filed.

4. The learned Standing Counsel for respondents Nos.2 to 4 contended that the 1st respondent had rightly passed the award and ordered only fresh appointment while denying the continuity of service, backwages and other attendant benefits, and that the respondent-corporation reinstated the petitioner into service as fresh appointee and that there are no merits in this writ petition and this petition is liable to be dismissed.

5. Having considered the rival submissions made by both the parties and the specific finding recorded by the 1st respondent to the effect that in the enquiry, the charges leveled against the petitioner had been proved, this Court is of the view that the 1st respondent has rightly denied the backwages, continuity of service and other attendant benefits while modifying the order of dismissal to that of the fresh appointment on the ground of disproportionality. I do not find any irregularity in such exercise. The writ petition is devoid of merits and is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. No costs. Consequently miscellaneous petitions pending, if any, shall stand dismissed.

Justice Abhinand Kumar Shavili

Dated: 8.12.2017
Nn

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.23736 OF 2000

Nn

