

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION No.29698 OF 2017**

**ORDER:**

The respondent was appointed as daily wage driver on 09.05.1990 and his services were regularised on 30.03.1991. He was inflicted with several penalties prior to his removal from service. It is stated that on 21.02.2003 when the respondent was running a bus bearing No.AP 10Z 5874 from Dharmapuri to Hyderabad, an accident was caused on the intervening night of 22.02.2003, where a motorcyclist got fracture injuries. Crime No.22 of 2003 was registered and a preliminary enquiry was conducted against the respondent. A charge sheet was issued on 22.09.2003 and the respondent submitted his explanation. After considering the explanation, a punishment of reduction of pay by two incremental stages was imposed on 02.04.2004. The respondent preferred an Appeal to the Appellate Authority on 11.08.2008 and the Appellate Authority rejected the Appeal by order dated 25.10.2008 as time barred. His Review Petition to the Regional Manager on 26.12.2008 was also failed. The respondent sought reference of the dispute to the Labour Court and the same was numbered as I.D.No.47 of 2011. The Labour Court vide its Award dated 09.10.2014 set aside the punishment imposed by order dated 02.04.2004, and however, held that the respondent herein is not entitled to any arrears/back wages and he was entitled to the monetary benefits only from the date of reference, i.e., 14.06.2011. Challenging the said Award, the present writ petition is filed by the Corporation.

The only point involved in the present writ petition is whether the Award of the Labour Court is liable to be set aside or not.

It is admitted that the punishment imposed on the respondent by order dated 02.04.2004 was a major punishment. While imposing major

punishment, the required procedure is to conduct a departmental enquiry, but no regular departmental enquiry was conducted in the instant case and the same was taken note by the Labour Court. In the absence of any departmental enquiry, no major punishment can be imposed on the respondent. In view of the same, the opinion of the Labour Court is correct and does not warrant any interference by this Court.

The writ petition is accordingly dismissed. Consequently, miscellaneous petitions, if any pending, in this writ petition, shall stand closed.

15.11.2017  
pln

**A.RAMALINGESWARA RAO, J**

