

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.826 of 2008

ORDER:

This Writ Petition is filed by the Andhra Pradesh State Road Transport Corporation (in short "the Corporation") challenging the Award dated 31.10.2006 in I.D.No.207 of 2003 passed by the Industrial Tribunal-cum-Labour Court at Warangal.

The 2nd respondent was the driver and on 24.06.1999 while he was driving the vehicle bearing No. AP 10 Z 295 on the route Hanumkonda to Badrachalam, in return trip when he reached Dharmavaram at 6 p.m., the bus dashed a private jeep bearing No. AP 36 T 9759, resulting in death of 3 passengers. In the domestic enquiry conducted the charges of negligence were proved and the petitioner was removed from the service by an order dated 30.10.1999. The Labour Court on reappreciation of the evidence as produced before it, having found that the jeep, which was collided with the bus, was carrying iron sheets, had held that there was no negligence on the part of the 2nd respondent in driving the bus and as a matter of fact, though there could be some negligence on the part of the 2nd respondent, the accident occurred on account of the negligence on the part of the driver of the jeep as well. The Labour Court had also taken into consideration of the judgment dated 25.07.2002 in C.C.No.776 of 1999, wherein the 2nd respondent came to be acquitted of the charges of rash and negligent driving. In those circumstances, taking into consideration of the overall situation and in exercise of the power under Section 11-A of the Industrial Disputes Act, 1947, modified the punishment one into the reinstatement into service without

back wages. Though learned counsel for the petitioner submits that the Labour Court ought not to have interfered with the punishment imposed therein, no perversity is pointed out in appreciation of the evidence produced and material brought before the Court below, the order of the Labour Court does not call for any interference as the Labour Court has power to reduce the punishment was exercised within the parameters of Section 11-A of the Act. Therefore, there are no reasons to interfere with the impugned order.

Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, the Miscellaneous Petitions, if any pending, shall stand closed.

Date:05.01.2017
Ssv

CHALLA KODANDA RAM, J

