

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT APPEAL No.837 of 2017

Date: 29.08.2017

Between:

S.S. Rao, S/o. Venkat Rao,
R/o. Nidadavolu, West Godavari District.

.. Appellant

and

The A.P.S.R.T.C,
Rep. by its Regional Manager,
West Godavari Region at Eluru, and others.

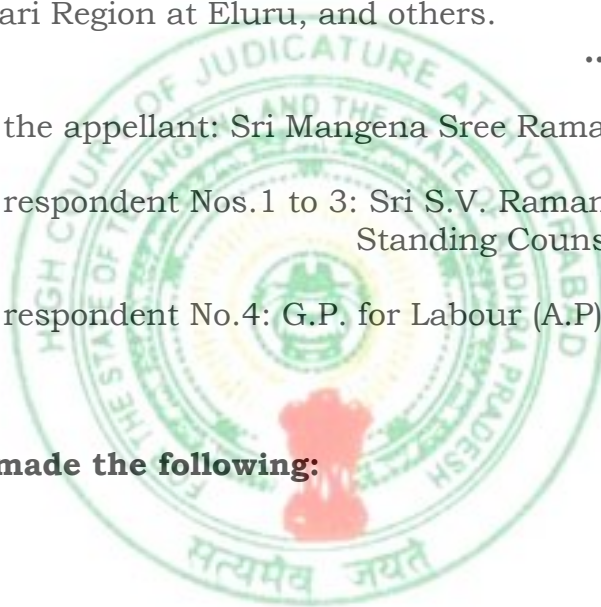
.. Respondents

Counsel for the appellant: Sri Mangena Sree Rama Rao

Counsel for respondent Nos.1 to 3: Sri S.V. Ramana,
Standing Counsel for A.P.S.R.T.C.

Counsel for respondent No.4: G.P. for Labour (A.P)

The Court made the following:



JUDGMENT: *(Per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

Feeling aggrieved by order dated 28.10.2016 in W.P.No.769 of 2009, whereby the learned Single Judge has dismissed the said writ petition, the writ petitioner filed this writ appeal.

We have heard the learned counsel for the appellant and perused the record.

The appellant was appointed as Conductor in the year 1986 in the Andhra Pradesh State Road Transport Corporation. On 18.01.1999, while he was conducting APSRTC Bus on the route Nidadavolu Depot to Secunderabad, a check was administered enroute, during which it was detected that the appellant has collected a sum of Rs.91/- from a passenger and issued tickets of Rs.70/-, Rs.20/- and Rs.1/- denominations, but he failed to punch on Rs.70/- denomination ticket without accounting the same in the Statistical Report (SR). It was further found that the appellant has collected a sum of Rs.164/- from a passenger, issued tickets of Rs.100/-, Rs.50/-, Rs.10/- and Rs.4/- denominations and failed to account for the ticket of denomination of Rs.100/- in the S.R. Based on the above irregularities, Departmental Enquiry was initiated culminating in the removal of the appellant w.e.f. 02.06.1999. The appellant being unsuccessful in the appeal and revision before the

hierarchical departmental authorities, raised an Industrial Dispute *vide* I.D.No.191 of 2001 on the file of the fourth respondent – Labour Court. On appreciation of the evidence on record, the Labour Court dismissed the I.D., upholding the order of removal of the appellant. The writ petition filed against the said award was dismissed by the learned Single Judge on examination of the material on record.

At the hearing, learned counsel for the appellant submitted that ordinarily, senior most conductors are entrusted with duty in express services, that the appellant not being senior ought not to have been entrusted with such duty and that as the appellant is inexperienced, he failed to properly account for the ticket issued by him.

No regulation is brought to our notice in support of this submission. At any rate, this plea does not appear to have been raised in the writ petition or before the Labour Court. The misconduct of the appellant was held proved not only by the departmental functionaries but also by the Labour Court.

This Court exercising jurisdiction either under Article 226 of the Constitution of India or under Clause 15 of the Letters Patent does not sit as an appellate body to reassess the evidence and arrive at a conclusion different from the one reached by the lower authorities. Therefore, the learned Single Judge has rightly declined to interfere with the

award of the Labour Court. Exercising our Letters Patent jurisdiction, we do not find any error apparent on the face of the record in order to interfere with the order of the learned Single Judge.

For the abovementioned reasons, the Writ Appeal fails and the same is accordingly dismissed.

(C.V.NAGARJUNA REDDY, J)

Date: 29.08.2017

va

(G. SHYAM PRASAD, J)

