

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.3313 OF 2009

ORDER:

Heard learned counsel for the petitioner and learned standing counsel for respondent.

The petitioner joined the service of the respondent Corporation as a driver in the month of March, 1989. His services were regularized within a period of six months. While so, on the allegation that he caused accident resulting in death of two passengers and causing serious injuries to 17 persons while driving the vehicle No.AP9Z 7667 on 28.01.2000 by crossing unmanned level crossing, he was kept under suspension from service on 13.03.2000.

The petitioner submitted his explanation on 21.03.2000. Having not been satisfied with the said explanation, an enquiry was conducted and the Enquiry Officer submitted his report. On the basis of the said report, the petitioner was removed from service. Challenging his removal dated 13.09.2000, he preferred I.D.No.170 of 2003 before the Labour Court, Hyderabad. The Labour Court dismissed the said application by Award dated 30.06.2006. Challenging the same, the present writ petition was filed.

The charge levelled against the petitioner reads as under.

“For having driven the vehicle No.AP 9Z 7667 without ensuring precautionary measures and lack of anticipation while negotiating an unmanned level crossing by you causing accident with train of Aurangabad-Hyderabad on 28.01.2000 at about 08.00 hours as a result, two passengers named Sri Mahendra Sharma and Smt.Chandramma were succumbed to injuries, and ten other passengers and crew of the bus were also received injuries and also heavy damages to the bus which constitutes serious misconduct as per Regulation No.28 (ix-B) of APSRTC Employees (Conduct) Regulations, 1963.”

The Labour Court heard the arguments on both sides on the validity of the enquiry proceedings and passed a separate order on 02.03.2006 holding that the enquiry officer followed proper procedure by giving opportunity to the petitioner. There is no doubt that in the said accident, two persons died and 17

passengers received serious injuries and the bus also was damaged. It was noticed by the Labour Court that the train was passing from South to East and the railway track was without curve near the railway crossing and there were no bushes also on the south north corner. There was a caution board and guard pillar on the eastern side of the road near the railway track with a caution that 'stop, observe and proceed'. The petitioner himself admitted that whenever any railway unmanned level crossing was there, the conductor shall get down the bus, observe the railway track and give signal to the driver for passing the railway track. Even after knowing the same also, the petitioner did not observe the said caution. In view of the negligence of the petitioner, the Labour Court opined that the removal of the petitioner from service for the irregularity is proportionate and proper.

On overall consideration of the facts and circumstances of the case, and in view of the nature of the duties of the petitioner, coupled with his negligence, this Court sees no ground to interfere with the Award of the Labour Court.

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

A.RAMALINGESWARA RAO, J

19.07.2017
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