

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 15579 of 2000

ORDER:

This writ petition is filed by the petitioner corporation seeking to issue a writ of Certiorari calling for the records relating to the award dated 24.4.2000 made in I.D.No.251 of 1997 by the 2nd respondent and to set aside the same.

2. The 1st respondent was appointed as conductor on 24.5.1970 in the petitioner corporation and was regularized in the year 1972 as conductor. In the year 1983, he was promoted as Controller. On 21.11.1996, a charge memo was issued to him alleging that he attended duty in a drunken condition while working as Controller at Yadagirigutta bus station. After conducting departmental enquiry, the petitioner corporation removed the 1st respondent from service by an order dated 21.04.1997. Aggrieved by the same, the 1st respondent filed the above I.D. The 2nd respondent passed an award dated 24.4.2000 setting aside the order of removal of the 1st respondent from service and directing the petitioner corporation to reinstate him into service with continuity of service, attendant benefits and with full back wages. Challenging the said award, the petitioner corporation filed the present writ petition.

3. Heard Sri K. Harinath, learned standing counsel for the petitioner corporation, and Sri D. Ravi Sankar Rao, learned counsel for the respondents 1 and 3 to 9.

4. During pendency of the writ petition i.e., on 03.12.2007, the 1st respondent died and his legal representatives were brought on record as respondents 3 to 9, vide orders dated 10.11.2017 made in W.P.M.P.No.13042 of 2011.

5. In the entire disciplinary proceedings, the petitioner corporation had not subjected the 1st respondent to medical examination as to ascertain whether he was in a drunken condition or not. In the absence the same, it becomes very difficult to hold that the 1st respondent was in a drunken condition. The Tribunal gave concurrent findings and came to the conclusion that there was no direct witness to say that the 1st respondent was in a drunken condition, and that the report of the enquiry officer was not supported by any clinching evidence. Hence, I am of the opinion that the award of the Tribunal does not warrant any interference and the writ petition is devoid of merits.

6. It is brought to the notice of the Court by the learned counsel for the respondents 1 and 3 to 9 that the petitioner corporation had reinstated the 1st respondent into service.

7. Therefore, the writ petition is dismissed. Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

17th November, 2017
cbs

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WRIT PETITION No. 15579 of 2000
(dismissed)

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