HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SMT.JUSTICE T.RAJANI

WRIT APPEAL No.861 of 2013

JUDGMENT: (Per Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under clause 15 of the Letters Patent, is preferred by the Andhra Pradesh State Road Transport Corporation against the order of the learned Single Judge in W.P.No.16588 of 2010 dated 16.12.2010.

The respondent herein, an employee of APSRTC, filed the said writ petition questioning the proceedings dated 08.01.2010 issued by the Vigilance and Security Officer, Nellore, as confirmed by the Assistant Director (Vigilance and Security) in his proceedings dated 30.03.2010, as arbitrary and illegal.

On the ground that the petitioner had taken away the iron crew box, with the lock and key, from the premises of the regional workshop, Tirupati, and the same was returned by his son after one week, a charge memo was issued to him on 19.12.2009. The petitioner submitted his explanation thereto on 05.01.2010. Not being satisfied with the explanation, the 1st respondent passed orders on 08.01.2010 removing the petitioner from service. The appeal preferred by the petitioner there-against was also dismissed by the appellate authority.

In the order under appeal, the learned Single Judge held that, since no regular departmental enquiry was conducted, the impugned order could not be sustained since it was in violation of principles of natural justice. The impugned order was set aside, and the respondents were directed to

reinstate the petitioner in service with continuity of service and attendant benefits. However, the petitioner was denied back-wages.

Sri A.Rama Rao, learned Standing Counsel for the appellant-Corporation, while stating that the respondent-workman retired from service in the year 2013 more than four years ago, would contend that, conferring attendant benefits on the respondent-workman by the order under appeal, is arbitrary and illegal. We must express our inability to agree. The Learned Single Judge has, in fact, extended a benefit to the appellant-Corporation in denying the respondent-workman back-wages, though a major punishment of removal from service was imposed on him without even conducting an enquiry as required under the A.P.S.R.T.C. Employees Regulations.

We find no merit in the writ appeal. The appeal fails and is, accordingly, dismissed. No order as to costs. As a sequel, miscellaneous petitions if any pending in the appeal stand closed.

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RAMESH RANGANATHAN, ACJ

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T.RAJANI, J

June 8, 2017
MRR

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते