

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.1200 of 2012

ORDER :

Heard the learned Standing Counsel for petitioner-APSRTC, and Counsel for 1st respondent.

2. This Writ Petition has been filed by the petitioner challenging the Award dt.15.02.2011 passed by the Industrial Tribunal-cum-Labour Court, Anantapur.

3. A person by name K. Veerappa was engaged as a conductor in Bus No.AP-11-Z-4553 of the Corporation on 23.11.2004 on the route Puttaparthi to kadiri.

4. There was a check by the officials of the Corporation at Stage No.3/4, and the check revealed that the conductor committed cash and ticket irregularities.

5. Charge-memo was issued to the conductor raising the following charges :

“1. For having failed to account the ticket Nos.275/425621 to 630 of Rs.30/- in the star S.R.No.017/462549 at stage No.1 which were issued to ten individual passengers (who were traveling from Puttaparthi to Kadiri ex.stages 1 to 7) along with the ticket Nos.454/686336 to 345 of Rs.4/- den. And also not accounted the issues correctly against stage No.1 which constitutes misconduct under Reg.28(x) of APSRTC Employees (Conduct) Reg.1963.

2. For having opened the ticket block No.454/686320 of Rs.4/- den. and issued tickets duly accounting them even though the computer opened ticket No.454686252 of Rs.4/- den. Is there in the

S.R.No.017/461549 which was also closed by you till the place of check which speaks of your gross negligence and fraudulent motive which constitutes misconduct under Reg.28(x) of APSRTC Employees (Conduct) Reg.1963.”

6. The conductor gave explanation to the same.
7. Thereafter, an enquiry was conducted and the disciplinary authority imposed punishment of removal from service on the conductor.
8. Later, the conductor preferred an appeal to the appellate authority.
9. The appeal was allowed, and the employee was reinstated into service by imposing punishment of deferment of annual increment for a period of two (02) weeks with cumulative effect.
10. The 1st respondent-Union raised an Industrial Dispute which was referred to the 2nd respondent-Industrial Tribunal as to whether the said punishment was justified, and whether the treating of the intervening period as not on duty with a direction to pay fresh security deposit, is valid or not.
11. Before the Industrial Tribunal, the 1st respondent marked Ex.W1, and the Corporation marked Exs.M1 to M27.
12. The 2nd respondent-Tribunal however held that the appellate authority had no power to order punishment of deferment of annual increment with cumulative effect as per Regulations 29 & 30 of the C.C.A. Regulations followed by the Corporation.

13. Assailing the same, the present Writ Petition is filed.

14. The learned Standing Counsel for the Corporation contended that this finding of the 2nd respondent-Tribunal is not correct since the appellate authority has power to impose punishment of deferment of annual increment with cumulative effect under the service regulations. He also contended that there is no fresh appointment was ordered by the appellate authority.

15. The counsel for 1st respondent does not dispute that the punishment of deferment of annual increment with cumulative effect imposed by the appellate authority on the employee is provided for in the CCA Regulations of the Corporation.

16. In view of the admitted factual position, I am of the opinion that the 2nd respondent is not correct in setting aside the punishment of deferment of annual increment with cumulative effect imposed by the appellate authority on the employee. However, it shall not be necessary for the employee to give any fresh deposit or undertake any fresh medical examination.

17. Accordingly, the Writ Petition is allowed as above. No order as to costs.

18. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 04-07-2017

Ndr/*