

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 13698 of 2005

O R D E R:

Petitioners-Corporation filed this writ petition seeking to issue a writ of Certiorari calling for records pertaining to connected with the Award dated 13.08.2004 passed in ID No.67 of 2002 by respondent No.1 and quash the same as illegal and arbitrary.

Respondent No.2, who was Conductor in petitioner Corporation, on 11.10.1998, while conducting the bus bearing No.AP 10Z 5687 on the route from Hyderabad to Shadnagar involved in a major accident as a result, 11 passengers in the van sustained injuries. A charge sheet dated 31.10.1998 was issued against respondent No.2 in this regard. Based on the enquiry report submitted by the Enquiry Officer, petitioner-Corporation removed respondent No.2 from service on 11.03.1999. Being unsuccessful in appeal and review filed before the authorities concerned, the workman preferred ID No.67 of 2002 before respondent No.1, wherein, by impugned order, respondent No.2 was reinstated with continuity of service, with full back wages but without attendant benefits. Challenging the same, the present writ petition is filed by Petitioner-APSRTC.

Heard learned Standing Counsel appearing for Petitioner-APSRTC and learned counsel for respondent No.2 and perused the material available on record.

Learned Standing Counsel appearing for petitioner-APSRTC would submit that the labour court Ought to have considered the fact that on the date of accident, respondent No.2 drove the vehicle in a rash and negligent manner resulting in 11 passengers sustained injuries and no lenient view can be taken against him and without considering the said aspects, labour Court in a mechanical way passed the impugned Award in favour of respondent No.2 and hence, the same is liable to be set aside.

On the other hand, learned counsel for respondent No.2 submits that respondent No.1 has rightly passed the impugned order and no illegality or irregularity has been pointed out calling interference of this Court.

This court, having considered the rival submissions of both the counsel, is of the considered view that there are no grounds to interfere with the well reasoned order passed by respondent No.1 and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

08th November, 2018
Mjl/*