

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.16725 OF 2002

ORDER:

The workman filed this Writ Petition being aggrieved by the order dated 31.05.2002 passed by the Industrial Tribunal-cum-Labour Court, Anantapur in I.D.No.184 of 1999, whereby the petitioner was denied the reliefs prayed for in the petition.

2. The petitioner got appointment as a Driver in the 2nd respondent-Corporation by producing driving licence bearing No.1025/78. The said licence was got verified by the 2nd respondent-Corporation and on verification, it is found that the said driving licence was issued to one G.Prabhakar Rao but not to the petitioner. Basing on the preliminary enquiry, the petitioner was issued charge sheet with the following charge:

“For having secured employment in APSRTC as a Driver by producing a non-genuine driving license No.1025/78 as having been issued by the Issuing Authority i.e. Deputy Transport Commissioner, Secretary, RTC, Guntur which after verification through Zonal Vigilance and Security Department of APSRTC from the Issuing Authority i.e., Licensing Authority, Guntur found to be non-genuine as thus cheated the Corporation which constitutes misconduct as per Reg.28(xxxii) of APSRTC Employees (conduct) Reg. 1963.”

The petitioner acknowledged the charge sheet and denied the charge stating that there is no necessity for him to produce the above driving licence and he requested the

authority to drop the action. The disciplinary authority not having been satisfied with the explanation submitted by the petitioner to the charge, appointed an enquiry officer to conduct an enquiry into the charge levelled against the petitioner. Basing on the oral and documentary evidence, the enquiry officer conducted enquiry as per the rules on strict adherence to the principles of natural justice and found him guilty to the charge. The disciplinary authority, basing on the Enquiry Officer's report and on an independent consideration of the evidence on record, passed order terminating the services of the petitioner on 13.07.1999. The petitioner, being aggrieved by his termination from service and without exhausting the appeal and revision remedy, filed a claim petition under Section 2A of the Industrial Disputes Act, 1947 (for short 'the Act') before the 1st respondent-Tribunal.

3. The 2nd respondent filed counter in the claim petition denying the averments of the petition. It is further stated that the petitioner was appointed in the Corporation in the year 1990 subject to verification of his antecedents and the documents produced by him along with driving licence. The Personal Officer of the Corporation has received a complaint to the effect that the petitioner secured his employment by producing bogus licence. The Vigilance Security Officer on investigation found that the driving licence produced by the petitioner is a bogus one. The Driving Licence Issuing Authority reported that the driving licence bearing

No.1025/78 was issued in favour of G.Prabhakar Rao as per the record. Therefore, the petitioner produced bogus driving licence at the time of his appointment as a driver in the Corporation. In the appointment letter, it was clearly stated that the appointment of the petitioner is subject to the verification of his antecedents and also driving licence produced by him. The petitioner was informed that the driving licence produced by him is found to be false and spurious and he is liable for termination from service. It is further submitted that a proper enquiry was conducted. The previous record of the petitioner was also very bad and several amounts were recovered from the petitioner for causing damage to the bus, and his annual increments were also deferred on two occasions. Hence, the petitioner is not entitled for any relief and prayed to dismiss the petition.

4. The Labour Court framed the following points for consideration:

- 1) Whether the respondent established the charge levelled against the petitioner?
- 2) Whether the termination of the petitioner is justified?
- 3) To what relief?

5. The Labour Court, on considering the evidence before it and on considering the report of the Enquiry Officer, held that the driving licence produced by the Workman is found to be not genuine and opined that there is no irregularity and

illegality in terminating the petitioner on the ground of producing bogus licence and thereby answered the above three points against the petitioner.

6. In the facts and circumstances of the case, this Court came to a conclusion that the Labour Court had failed to see that the enquiry was not conducted properly with reference to the charge and that the Transport Authority, who issued the letter stating that the licence of the petitioner is not genuine, was not examined in the enquiry. Further, the Labour Court had not properly exercised power under Section 11A of the Act. However, considering the order of the Labour Court and long length of service put in by the petitioner and also considering the fact that the petitioner had already superannuated, to meet the ends of justice, it could be sufficient to modify the impugned order of the Labour Court passed in I.D.No.184 of 1999 to that of directing the respondent to pay all the terminal benefits to the petitioner.

7. Accordingly, the Writ Petition is disposed of. No order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand dismissed.

JUSTICE M.GANGA RAO

20-06-2018
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