

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 26735 of 2006

O R D E R:

The writ petition is filed seeking to issue a writ of *Certiorari* calling for records pertaining to and connected with ID No.209 of 2003 on the file of respondent No.2 and quash the Award dated 12.07.2000 holding it as illegal, arbitrary and unjust.

Brief facts of the case are that respondent No.1 was engaged as daily wage Conductor in the Corporation on 11.05.1998 and his services were regularized with effect from 01.08.2000. While so, certain cash and ticket irregularities were found while respondent No.1 conducting bus bearing No.9695 on 17.01.2002 on the route from Bhadrachalam to Jeediguppa. Basing on the charge memo and check report, a charge sheet dated 21.1.2002 was issued against respondent No.1. The Enquiry Officer enquired into the charges and submitted enquiry report holding the charges proved, basing on which, a show cause notice of removal dated 14.06.2002 was issued to respondent No.1. Being unsuccessful in the appeal and in the review by orders dated 27.09.2002 and 07.11.2002 respectively, respondent No.1 filed ID No.209 of 2003 and respondent No.2 allowed the same by

reinstating him with continuity of service and backwages. Aggrieved by the same, the Corporation preferred the present writ petition.

Heard learned Standing Counsel for petitioner-Corporation and learned counsel for respondent No.1 and perused the material available on record.

Learned Standing Counsel appearing for petitioner-Corporation would contend that the tribunal did not consider the fact that respondent No.1 committed cash and ticket irregularity which is a grave offence causing loss to the exchequer of the Corporation. Considering all the material facts, the appellate authority as well as reviewing authority of the Corporation rejected the case of respondent No.1. Therefore, the tribunal arbitrarily and illegally passed the impugned order and the same is liable to be set aside.

On the other hand, learned counsel for respondent No.1 would contend that the impugned order passed by the tribunal is justified and does not suffer with any illegality or irregularity warranting interference of the court.

This court, having considered the rival submissions of both the counsel, is of the considered view that the tribunal has rightly passed the impugned order by reinstating respondent No.1 with continuity of service and backwages and there are no merits in the writ petition and the same 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

16.11.2018
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