

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 15485 of 2005

O R D E R:

The present writ petition is filed by the petitioner seeking Certiorari calling for records relating to and connected with the Award dated 05.04.2004 passed in ID No.39 of 2002 on the file of respondent No.1 and quash the same in so far as confirming the termination order passed by respondent No.2, holding it as illegal, arbitrary and unjust and consequently, direct the respondent No.2 to reinstate the petitioner into service with continuity of service, backwages and all attendant benefits.

2. The brief facts of the case are that initially, the petitioner was appointed as a Driver in respondent No.2-Corporation in the year 1991 and posted at Kothagudem Depot. While the petitioner was conducting the bus bearing No.8768 on the route Paloncha to Mallaram, on 12.04.2001, the Corporation authorities conducted a check at Stage No.6/ 7 and found that the petitioner has indulged in cash and ticket irregularity. Treating the said act of the petitioner as misconduct, the corporation initially, issued charge sheet dated 14.4.2001 against him. However, respondent No.2 without considering the explanation submitted by the petitioner ordered enquiry. The enquiry authority after conducting enquiry found the petitioner guilty of the charges and submitted enquiry report dated 28.06.2001. Based on the same, the Corporation by proceedings

dated 17.08.2001 removed the petitioner from service. The petitioner preferred an appeal and the same was rejected by the appellate authority by proceedings dated 25.-9.2001. The petitioner carried the matter before the Reviewing authority-Regional Manger, who, by proceedings dated 31.12.2001 rejected the review petition. Aggrieved by the same, the petitioner filed ID No.39 of 2002 before respondent No.1 and the same was dismissed by impugned order dated 05.04.2004. Aggrieved by the same, the present writ petition is filed.

3. Heard Sri G.Ravi Mohan, learned counsel for petitioner and Sri B.Mayur Reddy, learned Standing Counsel for respondent No.2 Corporation.

4. Learned counsel for petitioner would submit that respondent No.1 without considering the material aspects and without exercising its powers under Section 11-A of the Industrial Tribunal Act, mechanically dismissed the ID warranting interference of this court under Article 226 of the Constitution of India.

5. Learned Standing Counsel appearing for respondent No.1-Corporation would submit that petitioner having been unsuccessful in the appeal as well as in the review petition, approached respondent No.1, which passed the impugned order confirming the order of removal of the petitioner on the ground that punishment of removal for the act of misconduct is proportionate and reasonable and hence, there is no illegality or infirmity in the impugned order passed by respondent No.1.

6. Perused the material available on record and the order impugned.

7. The main charge levelled against the petitioner is as to reissue of tickets and cash and ticket irregularity. As regards this point, respondent No.1 while observing charge Nos.2 and 3 held that it is not a case of mere wrong punch, but the petitioner made corrections in SR with an intention to gain wrongfully. The petitioner has not issued tickets for the fare amount already collected from the passengers and that the petitioner failed to observe the mandatory rule of 'issue and start'. Further, no illegality or irregularity is pointed out in the impugned order.

8. Unless and until any grave irregularity or illegality has been pointed out, this court cannot interfere with the findings of the impugned order. I find no merits in the writ petition and the same is liable to be dismissed.

9. In the result, the writ petition is dismissed. No costs.

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

ABHINAND KUMAR SHAVILI, J

12th September, 2018
Mjl/*