

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 5816 of 2003

ORDER:

Petitioner-APSRTC filed this writ petition seeking to issue a writ of *Certiorari* calling for records pertaining to connected with the Award dated 06.11.2002 passed in ID No.48 of 2000 by respondent No.1 and quash the same as illegal and arbitrary.

Respondent No.2, who was Conductor in petitioner Corporation, on 14.09.1999, while conducting a bus bearing No.5038 on the route Yemmiganur-Adoni-Siriguppa, a check was conducted at Mahani Somappa Nagar No.3/4 and found the passengers alighting the bus without tickets, who boarded the bus at Adoni old bus station. Based on the preliminary enquiry report, petitioner Corporation issued a charge sheet on 22.3.1999 against respondent No.2. Thereafter, a domestic enquiry was Conducted and based on the enquiry report submitted by the Enquiry Officer, petitioner-Corporation removed respondent No.2 from service on 23.08.1999. The appeal and review being preferred by respondent No.2 were rejected by the authorities. Aggrieved by the same, respondent No.2 filed ID No.48 of 2000 before respondent No.1, wherein, by impugned order, respondent No.2 was reinstated with continuity of service and all attendant benefits and directed the Corporation to pay 50% back wages. 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 respondent No.2 committed cash and ticket irregularity causing loss to the Corporation and no lenient view can be taken against him. Further, the labour Court in a mechanical way passed the impugned Award in favour of respondent No.2 and 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 hence, 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 dismissed.

ABHINAND KUMAR SHAVILI, J

16th November, 2018
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