

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 33400 of 2011

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.36 of 2007 on the file of respondent No.2 and quash the Award dated 08.09.1994 holding it as illegal, arbitrary and unjust.

Brief facts of the case are that respondent No.1 was appointed as Conductor in the year 1978 in the petitioner-Corporation. While so, a charge sheet was issued to respondent No.1 for the alleged cash and ticket irregularities while conducting the bus bearing No.AP 10 8757 on 18/19.02.2002 on the route Hyderabad to Tirupati. 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 03.07.2002 was issued to respondent No.1. Being unsuccessful both in the appeal

and in the review, petitioner filed ID No. 36 of 2007 and respondent No.2 allowed the same by reinstating the petitioner with continuity of service, attendant benefits by deferring one annual increment with cumulative effect, but without backwages on the principle of no work no pay. Aggrieved by the same, the Corporation preferred the present writ petition.

Heard learned Standing Counsel for the 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 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-workman contended 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 attendant benefits 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.

08.11.2018
MjI/ *

ABHINAND KUMAR SHAVILI, J