

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 5656 of 2008

ORDER:

Petitioner-APSRTC filed this writ petition seeking to issue a writ of *Certiorari* calling for records pertaining to and connected with the Award dated 25.01.2007 passed in ID No.72 of 2002 by respondent No.2 and quash the same as illegal and arbitrary.

It is stated that respondent No.1, who was appointed as Driver in petitioner-Corporation on 12.04.1973, committed a major accident while conducting a bus bearing No.AP 9Z 6843 on the route Gudivada-Vijayawada. In the accident, the bus belongs to APSRTC caused damages worth Rs.13,046.59 ps. besides injuries to the passengers. Immediately, respondent No.1 was placed under suspension with effect from 20.05.1995 and issued charge sheet against him. Being not satisfied with the explanation submitted by the petitioner, domestic enquiry was conducted, wherein the charge levelled against him was proved. A show cause notice of removal dated 11.09.1995 was issued against the petitioner proposing to remove him from service and to recover cost of the damages worth Rs.13,046.59 ps. by treating the suspension as not on duty. In the appeal preferred by respondent No.1, appellate authority of the corporation by order dated 25.04.1996 had reinstated the petitioner, but imposed reduction of two incremental stages for a period of two years

which shall have effect on his future increments by treating the suspension period as not on duty. Being unsuccessful in the review, respondent No.1 preferred ID No.72 of 2002 wherein, respondent No.2 allowed the ID directing the Corporation to release the increments to the petitioner, but without backwages. 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.1 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.1 committed major accident and caused damages to the bus worth Rs.13,046.59 ps. besides injuries to the passengers and hence, 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.1 and the same is liable to be set aside.

On the other hand, learned counsel for respondent No.1 submits that respondent No.2 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.2 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

08th November, 2018
Mjl/*

