

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 6322 of 2003

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with I.D.No.81 of 2000 on the file of the Labour Court, Hyderabad, and quash the award dated 21.06.2002 passed therein.

2. Heard Mr. K. Harinath, learned standing counsel for APSRTC appearing on behalf of the petitioner corporation.

3. It has been contended by the standing counsel for the petitioner corporation that the 1st respondent was appointed as a conductor in the petitioner corporation in the year 1997. On 18.03.1998 while the 1st respondent was conducting the bus on route Surepally-Bollepally, a check took place and he was found to have been indulged in cash and ticket irregularities and the said conduct was construed as misconduct by the petitioner corporation. Thereafter, the 1st respondent was issued a charge sheet and after conducting a regular departmental enquiry, he was imposed a punishment of removal from service vide order dated 27.11.1998. Aggrieved thereby, the 1st respondent preferred I.D.No.81 of 2000 on the file of the Labour Court, Hyderabad. The Labour Court, after considering the entire case, had come to a conclusion that the punishment imposed on the 1st respondent was shockingly disproportionate to the charges leveled against him and accordingly set aside the orders of removal

dated 27.11.1998 and directed the petitioner corporation to reinstate the 1st respondent into service with continuity of service but without back wages and attendant benefits, vide award dated 21.06.2002. Challenging the same, the petitioner corporation filed the present writ petition.

4. This Court, having considered the rival submissions made by the parties, is of the considered view that the Labour Court has given a finding that the punishment of removal is quite harsh and disproportionate for the misconduct committed by the 1st respondent and particularly when he had six years of service by then. This Court would not see any illegality or perversity in the order passed by the Labour Court.

5. Accordingly, the writ petition is dismissed. Consequently, miscellaneous petitions if any pending in the writ petition shall stand closed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

24th July, 2018
cbs

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WRIT PETITION No. 6322 of 2003
(dismissed)

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