

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.11395 OF 2001

ORDER:

1. This writ petition is filed by the petitioner seeking to issue a writ of Certiorari calling for the records from the 1st respondent-Industrial Tribunal in I.D.No.72 of 1999 (Old I.D.No.29 of 1996) dated 22.1.2001, and further seeking to quash the same, and consequently, to direct the respondents to reinstate the petitioner into service with full backwages, continuity of service and all other attendant benefits.

2. Heard Smt. K. Vedavathi, learned Counsel for the petitioner and Sri B. Mayur Reddy, learned Standing Counsel for the respondent-Corporation.

3. The case of the petitioner is as follows:

The petitioner was appointed as conductor in APSRTC in the year 1991 and his services were also regularized. While so, on 16.10.1994, while he was conducting the bus service bearing No.AP 9Z 737 on route Kosgi to Nawabpet, a check was conducted by RTC Inspector and thereafter, the petitioner was served with a charge memo and he was suspended vide order dated 27.10.1994 on the allegations that he committed irregularities in issuing tickets. In that regard, the 2nd respondent, without considering the explanation of the petitioner, removed him from service by order, dated 20.4.1995. The appeal and review of appeal preferred by the petitioner were also rejected. Aggrieved by the removal order of the 2nd respondent, the petitioner raised Industrial Dispute before the 1st respondent. The 1st respondent passed award on 22.1.2001 granting no relief to the petitioner. Hence, the petitioner filed this writ petition.

4. It has been contended by the learned Counsel for the petitioner that the misconduct/irregularity with which the petitioner was charged is very trivial in nature, but grave punishment was imposed on the petitioner without examining any of the passengers and that merely basing on the self-serving statement of the checking officials, the gravest punishment was imposed and that the 1st respondent did not examine the said aspect in detail and that the punishment of removal is very disproportionate to the misconduct with which the petitioner has been charged.

5. The 2nd respondent filed a counter-affidavit contending that the petitioner collected the requisite fee from 44 passengers and issued used tickets, which were sold and accounted in the earlier journey, and he misappropriated the fare of Rs.132.50 ps., and basing on the said irregularities, after conducting enquiry, the petitioner was removed from service and that the award passed by the Tribunal does not warrant any interference by this Court.

6. I have considered the rival submissions made by the parties. The Industrial Tribunal after appreciating the entire material held that the charges against the petitioner were proved. The Tribunal after appreciating the entire material and considering the proportionality of punishment, has come to conclusion that the punishment imposed on the petitioner is not shockingly disproportionate to the charges proved against the petitioner. The Tribunal while exercising the discretionary powers under Section 11-A of the Act has extensively dealt with, and rightly declined to interfere with the punishment. Further, as no illegality or major defect of the Tribunal in passing the award has been pointed out by the petitioner, this Court cannot interfere with the award.

7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

5th January, 2018
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