

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.NO.11924 OF 2011

ORDER

The 1st respondent – workman, was working as Driver in the petitioner – Corporation. Alleging that he caused accident, without lack of anticipation, which is misconduct under Regulation 28(ix)(a), (b) of APSRTC Employees (Conduct) Regulations, 1963, the petitioner – Corporation, after framing appropriate charges and conducting inquiry, terminated the petitioner from service vide proceedings dated 29.04.2008. After unsuccessfully contesting departmental appeal and review, workman preferred I.D.No.195 of 2009, on the file of Labour Court III A.P., Hyderabad and by the impugned award dated 17.01.2001, Labour Court, appreciating the entire evidence on record, recorded finding of fact that the accident occurred because of negligence of the pedestrian and that the petitioner is not guilty under the charges leveled against him. Accordingly, it set aside the findings of the enquiry officer, as confirmed by the disciplinary authority, and directed the Corporation to reinstate the petitioner into service with continuity of service and fifty percent of back wages. Challenging the same, Corporation, has filed the present writ petition.

Heard the learned Standing Counsel for the petitioner – Corporation, Sri A.K.Jaya Prakash Rao, learned counsel for the 1st respondent – workman and the Government Pleader for Labour.

Having perused the entire material and the submissions of the learned counsel appearing for the parties, this court is of the considered view that the learned Standing Counsel for the petitioner – Corporation has not pointed out any contra evidence to interfere with the finding of

fact, recorded by the Labour Court with regard to cause of accident. Considering the facts and circumstances, Labour Court directed for reinstatement of the petitioner with continuity of service and fifty percent back wages. I do not find any illegality or irregularity in the impugned award, warranting interference.

The writ petition is devoid of any merits and the same is accordingly dismissed.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

ABHINAND KUMAR SHAVIL, J

Date: 26—10—2018

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