

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.8633 of 2002

ORDER:

The petitioner, who worked as a Conductor in the respondent Corporation, has filed this writ petition being aggrieved by the Award, dated 07.05.2001, passed in I.D.No.13/1999, on the file of the Chairman, Industrial Tribunal-cum-Labour Court, Godavarikhani, whereby, his claim for reinstatement with continuity of service and other attendant benefits was dismissed.

Brief facts of the case are that the petitioner was engaged as a daily wage conductor and he was attached to the respondent Depot. On 09.11.1996 when the petitioner was discharging his duties as a conductor, a check was conducted and he was found collected ticket fare from three passengers and issued unconcerned tickets. An enquiry was conducted on the allegation that the petitioner collected fare from two passengers and issued old tickets. In spite of notice, the petitioner had not participated in the enquiry and thereafter, he was removed from service on 30.06.1997. Being aggrieved by the same, the petitioner raised an industrial dispute in I.D.No.13 of 1999 before the Chairman, Industrial Tribunal-cum-Labour Court, Godavarikhani. The Labour Court having examined the evidence available before it under Exs.M1 to M28, came to the conclusion that the charges are proved against the petitioner. The serious charge of cash and ticket irregularity was proved against the petitioner. The petitioner has not submitted any explanation to the charge sheet or show cause notice and the Labour Court held that there is no irregularity in passing the removal order and the punishment of

removing the petitioner from service is proportionate to the proved charge. The petitioner, being aggrieved by the award of the Labour Court, filed the present writ petition.

Heard both sides.

This court perused the award of the Labour Court and found that the charge was proved in the enquiry as held by the Labour Court. The petitioner was removed from service for the proved misconduct of cash and ticket irregularities. The petitioner was found collected an amount of Rs.4.50 ps towards ticket fare from each of three passengers and issued old/re-issued tickets, which is a serious misconduct, for which the petitioner was removed from service. The Labour Court found that the removal of the petitioner from service is proportionate to the proved misconduct. This court is not found any error of fact or law warranting interference with the impugned award.

The writ petition is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

Date: 31.07.2018
Dsr

M.GANGA RAO,J