

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 11123 of 2002

ORDER:

This writ petition is filed by the petitioner corporation seeking to issue a writ of certiorari calling for the record relating to and connected with I.D.No.291 of 1999 on the file of the Labour Court, Guntur, and quash the award dated 28.06.2001 passed therein.

2. Heard Mr. P. Durga Prasad, learned standing counsel for APSRTC appearing on behalf of the petitioner, and Mr. G. Rama Rao, learned counsel for the 1st respondent.

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 1985. On 25.09.1997 while the 1st respondent was conducting the bus on route Amaravathi - Sattenapalli, 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 07.03.1998. Aggrieved thereby, the 1st respondent preferred I.D.No.291 of 1999 on the file of the Labour Court, Guntur. 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 07.03.1998 by exercising the powers under Section 11A of the Industrial Disputes Act, and directed the petitioner corporation to reinstate the 1st respondent into service with continuity of service but without back wages, vide award dated 20.06.2001. 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 concurrent findings that there is no evidence or material on record to show that the 1st respondent had misappropriated the amounts by collecting fare from the passengers and the misconduct that was proved against him is only negligence of duty in issuing tickets to the passengers traveling in the bus and, therefore, the punishment of removal is quite harsh and disproportionate for the misconduct committed by the 1st respondent, and interfered with the order of removal. 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

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



WRIT PETITION No. 11123 of 2002
(dismissed)

24th July, 2018

cbs