

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M. GANGA RAO

WRIT APPEAL NO.1669 of 2018

JUDGMENT: (per the Hon'ble Sri Justice Sanjay Kumar, J)

The officials of the Telangana State Road Transport Corporation at Mahaboobnagar, filed this writ appeal aggrieved by the order dated 26.10.2018 passed by a learned Judge of this Court dismissing their Writ Petition No.11924 of 2011.

The said writ petition was filed at a point of time when the erstwhile Andhra Pradesh State Road Transport Corporation was in existence. Thereby, the Award dated 17.01.2011 passed by the Labour Court-III, Hyderabad, in I.D.No.195 of 2009 was assailed. By the said Award, the Labour Court set aside the order of removal dated 29.04.2008 visited upon the first respondent-Driver and directed his reinstatement with continuity of service and 50% back wages. By the order dated 26.10.2018, the learned Judge opined that there was no evidence to interfere with the finding of fact recorded by the Labour Court with regard to the cause of the accident not being attributable to the first respondent-Driver and accordingly dismissed the writ petition.

Sri B. Mayur Reddy, learned counsel for the appellants, would contend that as the first respondent-Driver caused a fatal accident, the enquiry officer held that he was responsible for the same on the ground that he failed to sound the horn. However, the proceedings dated 17.12.2007 recorded in the course of the domestic enquiry

demonstrate that no question was put to the first respondent-Driver as to whether he had sounded the horn prior to the accident. It is relevant to note that the erstwhile Andhra Pradesh State Road Transport Corporation did not even mark any document before the Labour Court. In the domestic enquiry, the Conductor of the bus spoke in favour of the first respondent-Driver and alleged that the pedestrian himself was at fault. It was only in the preliminary enquiry that the enquiry officer held against the first respondent-Driver. In effect, there was no evidence worth the name to hold the first respondent-Driver guilty of rash and negligent driving justifying the punishment of removal from service visited upon him under the order dated 29.04.2008. We therefore find no ground to interfere with the order under appeal.

The Writ Appeal is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

M. GANGA RAO, J

20th December, 2018

SJ