

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

WRIT APPEAL No. 2005 of 2017

JUDGMENT: *(per the Hon'ble Sri Justice A. Rajasheker Reddy)*

This Writ Appeal is filed against the order dated 25.04.2017 wherein and whereby learned Single Judge dismissed Writ Petition No.494 of 2008 filed by appellant herein against Award dated 06.04.2006 passed in I.D.No.32 of 2004 by Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad.

Brief facts of the case are as under:

Appellant joined as Conductor in Respondent Corporation in 1992. On 17.02.2002, while he was conducting bus bearing No.9967 on route No.16A plying from Secunderabad Station to ECIL, checking officials conducted a check therein at about 17.45 hours at stage No.6/7 and found certain cash and ticket irregularities, as such, they served on appellant a charge memo but appellant refused to receive the same and ran away and he did not turn up at the depot till 20.02.2002. Therefore, he was placed under suspension by order dated 21.02.2002 and was served with charge memo as well as charge sheet. Further, in pursuance of initiation of disciplinary proceedings against him, enquiry officer

after conducting enquiry submitted a report dated 02.05.2002 holding that charges framed against appellant are proved. Thereafter, a show cause notice dated 03.06.2002 proposing to impose penalty of removal from service was served on him. Dissatisfied with appellant's explanation, disciplinary authority vide proceedings dated 15.06.2002 ordered removal of appellant from the services of Corporation with immediate effect by observing that suspension period be treated as 'not on duty' for all purposes. Further, appellant preferred appeal and review petition but the authorities concerned rejected the same. Therefore, he filed I.D.No.32 of 2004 and the Labour Court dismissed the same vide Award dated 06.04.2006, as against which, he filed Writ Petition No.494 of 2008, which in turn was also dismissed by learned Single Judge through order under appeal holding that penalty imposed on appellant is not disproportionate to the acts of misconduct held proved.

Heard learned counsel for both the parties.

A perusal of order under appeal goes to show that learned Single Judge observed that charges framed against appellant are serious in nature; that considering enquiry report submitted by enquiry officer after conducting enquiry, disciplinary authority imposed on appellant penalty of removal from service and that

said penalty was confirmed by appellate and reviewing authorities and also Labour Court holding that appellant is not entitled to any relief. Furthermore, learned Single Judge having placed reliance upon judgments of Apex Court as well as this Court and having recorded a finding that acts of misconduct of appellant warrant the penalty of removal from service, as imposed by disciplinary authority and confirmed by Labour Court, rightly dismissed the Writ Petition refusing to exercise discretion under Article 226 of the Constitution of India.

In view of aforesaid facts and circumstances, we do not see any reason to interfere with impugned order passed by learned Single Judge in this intra-Court appeal.

Accordingly, this Writ Appeal is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 25.02.2019

A. RAJASHEKER REDDY, J

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