

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF AUGUST  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE Mr. JUSTICE C.V.RAMULU**

**WRIT PETITION No.1164 of 1998**

Between:

K.Satyanarayana Reddy, S/o Obi Reddy,  
R/o R.R.District.

**..... PETITIONER**

AND

- 1 The Presiding Officer, Labour Court-III, Chandra Vihar Buildings,  
Hyderabad.
- 2 The Depot Manager, A.P.S.R.T.C., Wanaparthi Depot,  
(Disd for Default as per Court Order dt 4/9/01 as against R2.  
Mahaboobnagar.

**....RESPONDENTS**

**ORAL ORDER:**

This Writ Petition is filed by the workman being aggrieved by the Award dated 25-9-1996 passed in I.D.No.724 of 1993 on the file of Labour Court-III, Hyderabad.

It is the case of the petitioner that he was appointed as a Conductor in the year 1987 and put in fairly good track of service record. While so, when he was conducting the bus on 29-5-1991, a check was exercised and certain cash and ticket irregularities were found. On the basis of the same, a charge sheet was issued on 11-6-1991. He submitted his explanation for the said charge sheet. Having not satisfied with the explanation, an enquiry was conducted. The Enquiry Officer submitted a report holding him guilty of the charges. The disciplinary authority, after following the formalities, passed an order of removal dated 16-3-1992. Aggrieved by the same, he filed an appeal and the same was also dismissed. Having no other option, he raised a dispute under Section 2-A(2) of the Industrial Disputes Act, 1947, which was taken up on file as I.D.No.724 of 1993 by Labour Court-III, Hyderabad. The Labour Court after considering the entire material placed before it, found that though the charges are proved, they are being technical in nature, the punishment of removal from service was disproportionate to that of the misconduct committed and directed reinstatement of the petitioner with continuity of service and all other attendant benefits, but without any back wages. Challenging the same, the present Writ Petition is filed.

It is the case of the petitioner that the Labour Court having held that the charges are technical in nature and the removal from service is not justified and the same is disproportionate to that of the misconduct alleged, ought to have granted the relief of back wages also and denial of back wages is arbitrary and illegal.

Though no counter is filed, learned counsel for the respondents strenuously contended that the Labour Court itself has taken a lenient view of the matter and granted all the reliefs, such as, reinstatement, continuity of service and other

attendant benefits except the denial of back wages. The Award of the Labour Court is just, proper and does not call for interference of this Court under Article 226 of the Constitution of India.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the entire material made available on record including the impugned Award.

At the outset, I am of the opinion that the Labour Court has not committed any error in denying back wages to the petitioner while granting the relief of reinstatement, continuity of service and attendant benefits. Though the Labour Court held that the charges are technical in nature, on a perusal of the very charge sheet itself would show that the charges are serious in nature, in view of the fact that the petitioner failed to issue tickets to 6 passengers and they were found alighting at stage No.28 without any ticket. Further, the petitioner has closed the SR for all the denominations at stage No.28 without completing the issue of tickets against those six passengers. In fact, this is very serious misconduct. However, the Labour Court took a lenient view and held that the violation is technical in nature, which is not so and granted the relief of reinstatement with continuity of service and other attendant benefits, except denial of back wages. In the facts and circumstances of the case, I am of the view that the Labour Court has not committed any error in denying back wages while granting other reliefs to the petitioner. The Writ Petition is devoid of merits and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

09-8-2005

prk