

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI  
(Special Original Jurisdiction)

MONDAY, THE TWELFTH DAY OF AUGUST  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 11938 OF 2004



**Between:**

V.Padmachary, S/o Maddileti, aged about 46 years, Occ: Conductor,  
R/o. Kodumur, Kurnool District

...PETITIONER

AND

1. The Chairman -Cum-Presiding Officer, Industrial Tribunal cum Labour Court, Ananthapur
2. The Depot Manager, APSRTC, Yemmiganur, Kurnool District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of Writ of Certiorari, calling for records pertaining to ID.No.159/2000 dt. 25/06/2002, which was published in G.O.Rt.NO.1639 Labour Employment Training and Factories (LAB-I) Dept. dt. 12/07/2002 and to set aside the same as arbitrary, illegal and against the principles of natural Justice to the extent of not granting continuity of service, back wages and other attendant benefits and consequently direct the respondent to give continuity of service, without reducing the pay by 3 annual increments with cumulative effect

**I.A. NO: 1 OF 2004(WPMP. NO: 15175 OF 2004)**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to expedite the Writ Petitioner by fixing early date

**Counsel for the Petitioner :SRI. M V PRATAP REDDY**

**Counsel for the Respondent No.1: GP FOR LABOUR**

**Counsel for the Respondent No.2: P VINAYAKA SWAMY**

**The Court made the following Order:**



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

**[3457]**

**MONDAY, THE TWELFTH DAY OF AUGUST  
TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

**THE HONOURABLE SRI JUSTICE HARINATH.N**

**WRIT PETITION NO: 11938/2004**

**Between:**

V.padmachary

**...PETITIONER**

**AND**

The Chairman-Cum-presiding Officer and Others

**...RESPONDENT(S)**

**Counsel for the Petitioner:**

1.M V PRATAP REDDY

**Counsel for the Respondent(S):**

1.GP FOR LABOUR

2.P VINAYAKA SWAMY

**The Court made the following:**

**ORDER:**

Heard learned counsel for the petitioner and learned Standing Counsel for the respondent-Corporation.

2. The petitioner while working as a conductor was involved in the cash-ticket irregularity and an enquiry was conducted. The disciplinary authority imposed the punishment for removal from services. The petitioner filed the appeal and review before the competent authorities in vein. The petitioner

therefore filed I.D.No.159 of 2000 and the Labour Court has passed an award setting aside the order of removal. The respondent-Corporation was directed to reinstate the petitioner as a fresh conductor and also reduced the pay of petitioner with three annual increments with cumulative effect.

3. As seen from the findings of the Tribunal, the petitioner failed in his duty to issue tickets and after collecting the fare as such the Tribunal found that the charges leveled against the petitioner were established. However, the Tribunal has found that the punishment of termination is disproportionate when compared to the gravity of the offence. The petitioner was aged about 46 years when he filed the Writ Petition and petitioner has attained the age of superannuation by now. He further submits that if the Court considers modifying the punishment withholding of the three annual increments with cumulative effect, to that of withholding of three annual increments without cumulative effect the petitioner would be entitled for certain monetary benefits. The issue relates to non-issuance of tickets after collecting Rs.7.50 ps/- from three passengers.

4. As seen from the pleadings, the passengers in question were said to be in drunken condition. However, there is no finding of the Tribunal on that aspect. That apart the enquiry officer also seems to have not considered the same before imposing the punishment of removal from the services.

5. Considering these aspects, this Court is inclined to modify the punishment to the extent of reduction of pay of the petitioner to three annual increments without cumulative effect.

6. With these observations, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

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SD/- K KASIRAO ACHARI  
ASSISTANT REGISTRAR

*NB*  
SECTION OFFICER

To,

1. The Chairman -Cum-Presiding Officer, Industrial Tribunal cum Labour Court, Ananthapur
2. The Depot Manager, APSRTC, Yemmiganur, Kurnool District
3. One CC to SRI. M V PRATAP REDDY Advocate [OPUC]
4. Two CCs to GP FOR LABOUR, High Court Of Andhra Pradesh. [OUT]
5. One CC to SRI. P VINAYAKA SWAMY Advocate [OPUC]
6. Three CD Copies.

SSR

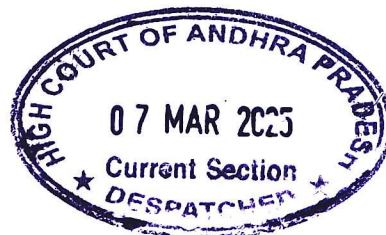
Criminal Section

**HIGH COURT**

**DATED:12/08/2024**

**ORDER**

**WP.No.11938 of 2004**



**DISPOSING OF THE WRIT PETITION  
WITHOUT COSTS**