

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

W.P.No.14810 of 2005

**ORAL ORDER:**

Petitioner (since died) was working as Driver in the Respondent Corporation. On 30.8.1999 he was found driving the Bus bearing No.AP9Z 7676 in an intoxicated condition and unable to control the vehicle endangering to the lives of the traveling passengers. Therefore, he was issued with a charge sheet on 8.8.1999 and ultimately he was removed from service vide order dated 4.7.2000. Aggrieved thereby, petitioner filed appeal and revision and both were dismissed. Having left with no other option, petitioner approached the Labour Court and filed claim petition under Section 2-A(2) of the I.D. Act. Before the Labour Court, no oral evidence was adduced on either side. On behalf of workman, Ex.W1 was marked and on behalf of management, Exs.M1 to M17 were marked. After a detailed consideration of the entire material placed before it, the Labour Court came to the conclusion that the enquiry conducted by the management was just, proper and valid and insofar as holding the petitioner guilty of charges, it was found that there was ample evidence to show that the petitioner was in intoxicated condition and as such upheld the removal order passed by the management and dismissed the claim petition filed by the petitioner. Aggrieved by the same, the present writ petition is filed.

It is suffice to notice the charges made against the petitioner, which reads as under:

"1. For having abandoned the vehicle at Kubya Tanda for about 15 minutes and you were consumed liquor and then driven the vehicle dangerously resulting in, you were made to stop the vehicle by the service conductor to save the lives of the traveling passengers which constitutes misconduct under Regulation No.28(xxxii) of APSRTC Employees (Conduct) Regulations 1963.

2. For having driven the vehicle under intoxicated condition and unable to control the vehicle endangering to the lives of the traveling passengers which constitutes misconduct under Regulation No.28(x)(b) of APSRTC Employees (Conduct) Regulations 1963.

3. For having operated the service empty to the depot without picking up the service conductor from Kothabrahmanapally while the conductor was arranging transport facility to the passengers by Dindi N/o service being operated by Nalgonda depot which constitutes misconduct under Regulation No.28(xxxii) of APSRTC Employees (Conduct) Regulations 1963.

4. For having driven the vehicle empty without conductor from Kothabrahmanapally to KLKY resulting in operation of about 55 kms. Non-revenue and hardship to the intending traveling public besides loss of Corporation legitimate earnings to the extent of Rs.503/- which constitutes misconduct under Regulation No.28(ix)(a) of APSRTC Employees (Conduct) Regulations 1963.

5. For having caused damage to the vehicle due to your rash and negligent driving and cost of which estimated Rs.300/- which constitutes misconduct under Regulation No.28(xiii) of APSRTC Employees (Conduct) Regulations 1963.”

The charges made against the petitioner are grave in nature and they were proved in full. Therefore, I am of the considered opinion that the respondent-management has no other option, except to remove the petitioner from service taking safety of traveling people into consideration. The Labour Court has rightly held that the respondent-management has not committed any error calling its interference. I am of the opinion that the Labour Court has not committed any error calling interference by this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and liable to be dismissed.

However, it appears, during the pendency of writ petition, petitioner died and his L.Rs. were brought on record. Therefore, respondent-management is directed to settle all the benefits, to which they are entitled in view of the service rendered by the petitioner in the Corporation.

The writ petition is accordingly disposed of. No order as to costs.

---

C.V.RAMULU,  
J

Date: 7.2.2011  
DA

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

W.P.No.14810 of 2005

7.2.2011

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH  
AT HYDERABAD**

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14810 of 2005

Date: 7<sup>th</sup> February, 2011

Between:

N.Narsimha (died) per L.Rs  
N.Devi and others.

.. Petitioners

And

The Presiding Officer,  
Labour Court-III, Hyderabad & another.

.. Respondents