



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

[3457]

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 21896/2014

Between:

1.A.P.S.R.T.C.,, REPRESENTED BY ITS DEPOT MANAGER,
VIZIANAGARAM, VIZIANAGARAM DISTRICT.

...PETITIONER

AND

1.B P RAJU, CONDUCTOR E-457052, THROUGH APSRTC NATIONAL
MAZDOOR UNION, S. KOTA DEPOT, VIZIANAGARAM DISTRICT.

2.THE INDUSTRIAL TRIBUNALCUMLABOUR COURT,
VISHAKHAPATNAM, REPRESENTED BY ITS PRESIDING OFFICER

...RESPONDENT(S):

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 a writ or direction or orders particularly one in the nature of Writ of Certiorari and calling for the records relating the I.D.No. 38 of 2010 on the file of the 2nd respondent and quash the award dated 3-8-2013, which was published in G.O. Rt. No. 1111 dated 5-12-2013 in the interest of justice. And pass such other order or orders as deems fit and proper in the circumstances of the case.

IA NO: 1 OF 2014(WPMP 27466 OF 2014

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 suspend the award dated 03-08-2013, I.D.No.38/2010 of the 2nd respondent, pending disposal of the Writ Petition and pass

IA NO: 6 OF 2014(WPMP 113993 OF 2014

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

IA NO: 1 OF 2015(WVMP 394 OF 2015

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 Vacate the orders passed in W.P.M.P. 27466/2014 in W.P .No 21896 of 014 Dt 4-8-2014 forthwith

Counsel for the Petitioner:

- 1.K SRINIVASA PRASAD SC For APSRTC

Counsel for the Respondent(S):

- 1.GP FOR LABOUR (AP)
- 2.S M SUBHAN
- 3.

The Court made the following:

ORDER:-

The petitioner is challenging the award passed by the Labour Court, Visakhapatnam in I.D.No.38 of 2010, whereby the Labour Court has modified the punishment imposed by the disciplinary authority, deferring one annual increment for a period of one year with cumulative effect to the employee with that of deferment of annual increment for a period of one year without cumulative effect.

2. The case of the petitioner is that the Labour Court ought not to have modified the award as an excess amount of Rs.150/- was found in the cash bag of the 1st respondent. It is submitted that the explanation submitted by the 1st respondent was also not convincing and the disciplinary authority had reason to believe that the excess cash at the time of checking was on account of resorting to cash and ticket irregularity. It is further stated in the affidavit that the enquiry was conducted and the 1st respondent was found guilty of violation of the rules. The orders of imposing the punishment were passed on him on 22.12.1992 and the 1st respondent had kept quiet for more than 15 years thereafter filed the I.D before the Labour Court. The Labour Court had found that the punishment imposed was disproportionate and as such modified the same without any basis.

3. Perused the award.

4. The explanation submitted by the 1st respondent is that, on account of heavy rush in the bus, the 1st respondent had issued tickets and

denominations of Rs.4/-, 8/-, 11/-, 12/-, 6/- were issued to the passengers and they were not refunded the excess cash. After collecting the fare, as there was no change available for giving back the remaining cash after deducting the ticket amount. Such excess cash was available and had also tallied with the due payable to the passengers. Considering this, the Labour Court found the explanation convincing and also considering that the bus was overcrowded. The 1st respondent did not have a chance to settle the accounts with the passengers and as such has interfered with the punishment imposed.

5. This Court finds no grounds to interfere with the well-considered and well-reasoned award of the Labour Court.

6. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

Date.22.04.2026
SR