

**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI****WRIT PETITION NO: 14492 of 2006**

The Depot Manager, Guntur

...Petitioner

Vs.

The President Another and Others

...Respondent(s)

Advocate for Petitioner:

R MANMADHA REDDY

Advocate(s) for Respondent(s):

GP FOR LABOUR,

A K JAYAPRAKASH RAO

CORAM : SRI JUSTICE CHALLA GUNARANJAN**DATE : 18th February 2026****ORDER:**

Present writ petition is filed under Article 226 of Constitution of India seeking following relief:

“to issue an appropriate writ order or direction especially in the nature of certiorari calling for the records relating to the impugned award dt.14.09.2005 made in I.D. No.205 of 2001 on the file of Labour Court, Guntur and quash the same as being illegal and invalid and pass such other orders.”

2. Heard Sri Aravala Rama Rao, learned standing counsel, representing for petitioner and Sri V.Padmanabha Rao, learned counsel, representing Sri A.K.Jayaprakash Rao, learned counsel for 1st respondent.

3. (a) The 2nd respondent at relevant point of time was working as Conductor with the petitioner Corporation. While he was charged with allegations that a) collected excess bus fare from 11 passengers i.e., ₹100/- as against ₹99/- for commuting from Vinukonda to Hyderabad in Semi Luxury Bus, b) collected ₹10/- from two passengers as reservation charges otherwise not in the charge list, c) allowed luggage into gang way even before alighting at platform causing inconvenience to the passengers, enquiry report came to be drawn and eventually order of punishment came to be passed on 15.01.1997.

(b) By virtue of the said order, punishment of deferment of annual increments for two years with cumulative effect was ordered. 1st respondent thereafter raised a dispute before the Government and eventually, the same came to be referred by Government to the Tribunal under Section 10(1)(c) of I.D.Act. The Tribunal after having considered the evidence on record ultimately answered the reference partly in favour of the 1st respondent. The order of punishment has been set aside and the increments were directed to be restored to the 1st respondent from the date of reference i.e., 04.07.2001.

(c) Further, it was made clear that 1st respondent shall not be entitled to any monetary benefit from the date of punishment order till the date of reference i.e., 04.07.2001.

(d) Assailing the same, present writ petition is filed.

4. Learned counsel for petitioner, while reiterating the assertions made in the affidavit filed in support of the writ petition, contended that the order of Tribunal suffers from serious infirmity inasmuch as though the 1st respondent had admitted to one of the charges, in particular that of allowing luggage into the gang way, the Tribunal has set aside the order of punishment in toto. The conclusion drawn by Tribunal that the punishment imposed was without conducting any domestic enquiry is perverse inasmuch as there was inquiry report under Ex.M7 on record, which suggested there was proper inquiry before issuance of charge sheet culminating into order of punishment.

5. Per contra, learned counsel for the 1st respondent tried to support the impugned order passed by Tribunal by contending that the Tribunal, on proper appreciation of evidence, has rendered specific findings to come to conclusion that the very order of punishment did not precede with proper domestic enquiry which goes to route of the matter and therefore, even if it is

suggested that one of the charges is admitted too, the same *ipso facto* would not validate the enquiry which otherwise had fundamental flaw of violation of the principles of natural justice besides being contrary to the applicable rules and regulations of the Corporation.

6. Perused the record and considered rival submissions.

7. It is not in dispute that the 1st respondent was subjected to disciplinary inquiry against three charges. For all these three charges, the delinquent has submitted explanation in justification. The record discloses that there was inquiry report under Ex.M7. The said inquiry report was at the preliminary stage before issuance of charge memo. Apparently, there was no enquiry as such conducted in terms of the applicable rules of Corporation. The Tribunal therefore had come to conclusion that the entire procedure adopted by the Corporation in imposing the order of punishment got vitiated on account of not conducting proper domestic enquiry. I do not find any illegality in the said approach of the Tribunal.

8. Conducting domestic inquiry in proper way and that too in terms of rules and regulations of Corporation is *sine qua non* for inflicting any punishment on the delinquent, which is lacking in the

present case. Though learned counsel for petitioner contended that the delinquent has admitted to one of the charges, with regard to allowing luggage into bus, close scrutiny of the defense or explanation offered by 1st respondent go to show that he did made a statement that it was on the insistence of the passengers, the luggage had to be allowed, therefore, the same by itself would not amount to any negligence on his part nor attributed to inconvenience on the passengers. The Tribunal has rightly balanced the interest of both parties and ultimately, while setting aside the order of punishment, made it clear that the monetary benefits i.e., deferment of two increments which otherwise were withheld, shall be restored from the date of reference and rightly declined any further monetary benefits to the 1st respondent from order of punishment till order of reference. I do not see any infirmity in the said approach, therefore, the writ petition stands dismissed. No costs.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

CHALLA GUNARANJAN, J

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