

**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI****WRIT PETITION NO: 5312 of 2003**

Sk.Khadar Basha

...Petitioner

Vs.

The Depot Manager, APSRTC, Addanki Depot

...Respondent

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Advocate for Petitioner:

Mr.V V L N SARMA

Advocate(s) for Respondent(s):

Mr.ARAVALA RAMA RAO(SC FOR  
APSRTC KKAC), .**CORAM : SRI JUSTICE CHALLA GUNARANJAN****DATE : 9th February 2026****ORDER:**

Present writ petition is filed seeking the following relief:

“... to issue a writ of Mandamus or any other appropriate writ, order or direction declaring the award of the Labour Court in I.D.No.229/98 dated 12-09-2001 in so far not granting the continuity of service and payment of back wages to the petitioner are concerned, is illegal, arbitrary etc., and grant such other just and consequential relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. (a) Petitioner was working as Conductor at Addanki Depot at relevant point of time. While he was on duty on 05.02.1997 *en route* Addanki to Vijayawada, there was inspection and check of bus at Stage No.10. The enquiry team have submitted report, basing on which, proceedings were initiated against petitioner on allegations of dereliction/ misconduct of duties including to that of issuance of 10 tickets to

passengers, who have boarded the bus at Guntur and found alighting at Vijayawada, with other similar allegations, thereby sustaining loss to the Corporation. The specific charges were communicated to the petitioner vide charge memo, dated 14.02.1997, setting out as many as 5 charges. He submitted explanation refuting all the charges. Ultimately, enquiry came to be conducted and the enquiry officer submitted report holding that the charges were found to be proved.

(b) Basing on the said report, dated 20.04.1997, petitioner was issued show-cause notice, dated 22.05.1997, proposing punishment of removal. Explanation was submitted to the same. Upon considering the explanation, the respondent has passed order, dated 09.06.1997, removing petitioner from service and also treating the period from date of suspension till the date of removal from service as not on duty. Further, security deposit amount outstanding against the petitioner has been ordered for forfeiture. Aggrieved by the same, petitioner preferred appeal and the appellate authority, by order, dated 29.09.1997, rejected the same.

(c) Further, petitioner also preferred review before the Regional Manager, who dismissed the same, by order, dated 30.04.1998. After conclusion of those proceedings, petitioner later filed I.D.No.229 of 1998 before the Labour Court at Guntur, questioning the termination orders. The Tribunal, after elaborate enquiry, has ultimately come to conclusion that the petitioner violated the Rules in regard to the closure and starting of

S.R. and thus, held that all charges against him were established. However, the Tribunal, having observed that there was no intention on the part of petitioner to defraud the Corporation by non-closure of S.R., the punishment imposed was found to be excessive. Hence, the order of removal from service came to be modified to that of reinstatement into service with continuity of service, but without any back wages, as non-grant of back wages itself would be a measure of punishment for proving the charges against him. Accordingly, by order, dated 12.09.2001, the I.D. came to be disposed of. Assailing the said order, to the extent of non-granting back wages, present writ petition is preferred.

3. Heard learned counsel for the petitioner and learned standing counsel for the respondent.

4. Learned counsel for the petitioner mainly contended that the Tribunal, having found that the punishment was very much disproportionate, ought not to have denied the back wages. The Tribunal has specifically rendered finding that petitioner had no intention to defraud the Corporation, therefore, the impugned orders of removal under challenge before the Tribunal ought to have been set aside in-toto unconditionally and directed reinstatement of petitioner with continuity of service with back wages as a natural consequence. Therefore, he urged

to set aside the order to the above extent and direct the respondents to pay back wages.

5. *Per contra*, learned standing counsel for the respondent Corporation supported the order of the Tribunal. He contended that the disciplinary authority, appellate authority and revisional authority have given reasons and rendered specific findings in coming to conclusion that the charges levelled against the petitioner were clearly established, and accordingly, imposed the punishment of removal from service which was completely justified and at any rate, since the Tribunal has interfered with such well-reasoned orders, by directing reinstatement, however, without back wages, this Court cannot sit in appeal and reappreciate the evidence on record once again under certiorari jurisdiction. The Tribunal has specifically rendered finding that on account of the charges being proved, withholding of back wages itself would be a measure of punishment, therefore, rightly has confined to the said extent. Hence, question of petitioner claiming for back wages does not arise.

6. Perused the record and considered the rival submissions of the respective counsels.

7. Petitioner was charged 5 sets of charges and the enquiry officer opined that the charges were sufficiently proved. The disciplinary authority, on appreciation of evidence on record, considering the findings

of the enquiry officer, has concluded that all charges were so proved, for which, a punishment of removal from service was ordered. Even the appellate authority and as well as the revisional authority have concurred with the findings and decision arrived at by the disciplinary authority. In normal course, when there are concurrent findings of fact based on appreciation of material evidence on record, unless it is demonstrably shown that such finding of fact was without any iota of evidence or there was procedural violation or the authority exercised power was doing so without jurisdiction, such findings should not be interfered with.

**8.** Be that as it may, the Tribunal, on appreciation of evidence on record, has given its own findings once again in coming to conclusion that the charges were proved. However, it has also rendered finding that petitioner did not had any intention to defraud the Corporation and rather his acts merely constituted violation of Rules with regard to maintaining the S.R., therefore, the punishment that was imposed by the Corporation was found to be excessive. The Tribunal, therefore, rationalizing the punishment, has held that withholding of back wages by itself would be a sufficient punishment for the petitioner being in breach of the Rules. Accordingly, the orders of disciplinary authority, as confirmed later, came to be modified by directing the respondents to reinstate the petitioner back into service, with continuity of service, however, without back wages.

9. Though, learned counsel for the petitioner tried to persuade this Court even the back wages ought to have been granted, this Court sitting in certiorari jurisdiction would not reappreciate the evidence on record unlike appellate authority. Right or wrong the disciplinary authorities orders came to be interdicted by the Tribunal and modified the punishment. I really do not see any reason to interfere with the order of the Tribunal, which has merely modified the punishment and that too in favour of the petitioner by restricting it to withholding of back wages.

10. Accordingly, the writ petition stands dismissed. No order as to costs.

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

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**JUSTICE CHALLA GUNARANJAN**

**Date:09.02.2026.**

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