

C.A.No. 4040 OF 2001
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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4040 OF 2001@@
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The APSRTC

Appellant (s)

versus

B.Vikram Reddy

Respondent (s)

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The respondent herein was a conductor in a State carriage bus owned by the appellant APSRTC. The services of the respondent were terminated after being found guilty of non-issuance of tickets and not collecting fare from the passengers. The ticket examiner entered the bus for examination of tickets and it was found that the respondent had not issued tickets to two passengers who were travelling in the bus. It is also alleged that the respondent did not allow the ticket examiner to complete the inspection and he mis-behaved with the ticket examiner and had torn the tickets and other documents. Charges were framed against the respondent in the enquiry, but some of the charges were found proved and pursuant to it the respondent was removed from service by the disciplinary authority.

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The matter was referred before the Labour Court and Labour Court considered the matter in details. It was held that most of the charges framed against the respondent were not proved, and as the only charge proved is that the respondent did not issue tickets to two passengers, the appellant was directed to re-instate the respondent with continuity of service but the back wages were denied.

Aggrieved by this award the respondent filed writ petition before the High Court. Learned Single Judge was pleased to grant 50% of the back wages. The judgment of the learned Single Judge was challenged before the Division Bench. The Division Bench dismissed the appeal.

The appellant aggrieved by the order of the Division Bench filed this appeal by way of Special Leave. We have heard learned counsel for the appellant as well as the respondent. Counsel for the appellant contended that most of the charges were proved against the respondent and even the Labour Court had found that the respondent had committed a

serious error in not issuing the tickets. According to appellant's counsel, the Labour Court was justified in ordering that the back wages shall not be paid to the
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respondent. The counsel for the respondent contended that inspite of the award passed by the Labour Court to re-instate the respondent, the respondent was not re-instated and most of the charges framed against the respondent were not proved.

The main charge against the respondent was that he did not issue tickets to two passengers. The reason attributed by the respondent in not issuing tickets was that there were too much passengers in the bus and due to this he could not issue tickets. We do not think this a justifiable reason. Labour Court also did not accept it. The fact that the respondent did not issue ticket to the passengers is a serious matter. It indicates that the respondent was not diligent in discharging his official duty. In that view of the matter the Labour Court was correct in not ordering back wages to the workman and the High Court in its extra ordinary jurisdiction should not have interfered with the award passed by the Labour Court. However, we notice that inspite of the award passed on 23.4.1997 the appellant-Corporation did not implement the award and the respondent was not re-instated in service. Learned counsel for the appellant contended that the respondent never approached the Corporation nor did take any steps for execution of the award and therefore the
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appellant did not re-instate the respondent. We do not consider this as a justifiable stand on the part of the appellant-Corporation. The award was not challenged by the Corporation. In the absence of any material on record to show as to why the Corporation could not implement the award, the respondent is justified in getting full wages from 21.6.1997 till re-instatement is effected. The directions of the High Court to pay 50% of the back wages is set aside, but the appellant is directed to pay full wages from 21.6.1997 till re-instatement.

The appeal is disposed of accordingly.

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.....J
(K.G.Balakrishnan)

New Delhi,
January 14, 2003.

.....J
(P.Venkatarama Reddi)

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ITEM NO. 107

COURT NO. 11

SECTION XV

CIVIL APPEAL NO.4040 OF 2001@@
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Andhra Pradesh Road Trpt. Corpn.

Appellant (s)

Versus

B. Vikram Reddy

Respondent (s)

Dated: 14/01/2003 These appeals were called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Appellant (s) Mr. Guntur Prabhakar

For Respondent (s) Mr. G. Ramakrishna Prasad,Adv
Mr. Wasay Khan,Adv.
Mr. K.V. Ramakrishna,Adv.
Mr. D. Mahesh Babu,Adv.
Msr. Santhanan Krishnan,Adv.

UPON hearing counsel, the Court made the following

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The appeal is disposed of in terms of the signed order.

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(Saroj Bala)
PA to Addl. Registrar

(K.K.Chadha)
Court Master

(The signed order is placed on the file)