HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE P.SAM KOSHY

I.A.No.1 of 2025
IN/AND
WRIT APPEAL NO: 792 OF 2025

WRIT APPEAL NO: 792 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 02/09/2024 in W.P.No.2224 of 2021 on the file of the High Court.

Between:

The Depot Manager, TSRTC, Ibrahimpatnam Depot, Ranga Reddy District, Telangana State

...APPELLANT

AND

R. Shivanna, S/o late Chinna Naganna, Aged 51 years, Ex-Conductor, IBPM Depot, Ibrahimpatnam, Ranga Reddy District, C/o Plot No. 89, Road No. 14, Alkapuri, Hyderabad - 500 012

...RESPONDENT

IA NO: 1 OF 2025

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 condone the delay of 277 days in filing the present Writ Appeal.

IA NO: 3 OF 2025

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 stay of all further proceedings in pursuance of the order passed by the Learned

Single judge in WP No.2224 of 2021 dated 02.09.2024, pending disposal of the W.A No. /2025.

Counsel for the Appellant: SRI R.ANURAG, SC FOR TGSRTC

Counsel for the Respondent: SRI JEERIPOTHULA SRINIVAS

The Court delivered the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE P. SAM KOSHY

I.A.No.1 of 2025
IN/AND
WRIT APPEAL No.792 of 2025

JUDGMENT: *(Per the Hon'ble the Chief Justice Sri Aparesh Kumar Singh)*

Sri R. Anurag, learned Standing Counsel for Telangana State Road Transport Corporation, appears for the appellant.

2. I.A.No.1 of 2025 is filed seeking condonation of delay of 277 days in preferring the instant appeal.

3. Heard learned counsel for the appellant.

4. The appeal is directed against the judgment dated 02.09.2024 passed in W.P.No.2224 of 2021 by the learned Writ Court whereby the award dated 05.06.2020 passed in I.D.No.91 of 2017 was upheld. The said industrial dispute was raised under Section 2A(2) of the Industrial Disputes Act, 1947 to set aside the removal order dated 16.12.2016 passed by the appellant and confirmed by the authorities and also for reinstatement, continuity of service, attendant

benefits with full back wages. The workman was proceeded against for the following charge:

> "For having collected Rs.15/- from a lady passenger at the boarding point itself who boarded in your bus at Lingampally and bound for Ibrahimpatnam (ex. Stages No.07 to 12 and you have issued luggage ticket of Rs.2/- only bearing No.TNA 154606 and you have failed to issue passenger ticket of Rs.10/- to her while you were performing duties on vehicle No.AP-29 TA-0178 on 30.07.2016 which constitutes misconduct under Reg.28(VI)(a) and (x) of TSRTC Employees (Conduct) Regulations, 1963."

5. The learned Labour Court-I, Hyderabad, set aside the order of removal and directed reinstatement of the workman into service with continuity of service, attendant benefits and full back wages. The operative portion of the impugned award at paragraph Nos.20 to 23 is extracted hereunder:

> "20. Thus the passenger by name Laxmamma, whose evidence was crucial to consider whether the petitioner had issued passenger ticket of Rs.10/- denomination to her stated during the enquiry that, the petitioner had given two tickets to her, one for her and the other for the luggage but as she did not observe, told the TTIs that only one ticket was issued but the passenger who sat beside her gave the other ticket to her stating that she lost the ticket. When the TTIs also mentioned in the special report marked under Ex. M6 that the petitioner brought a ticket from a passenger marked with a red pen and asked the passenger Laxmamma to show it as the ticket issued to her, it was their duty to verify the number of passengers with that of the number tickets issued and passes to know the veracity of the statement of the passenger and that of the petitioner. The checking officials also failed to

seize the ticket brought by the petitioner ticked with red pen, to verify the truth of their statement. They failed to check the bus cash and personal cash of the petitioner to prove their contention of misappropriation. In the absence of clinching evidence to prove the misconduct of the petitioner, the evidence of the passenger recorded during the enquiry probabalises the defense of the petitioner that he issued two tickets to her. The TIMS report marked under EX.M3 also supports the contention of the petitioner that he issued two tickets, one passenger ticket bearing no. 154605 of Rs. 10/- denomination and one luggage ticket bearing no. 154606 of Rs.2/- denomination from Lingampally to Ibrahimpatnam, which could be of the passenger by name Laxmamma.

21. The enquiry officer without observing the same, disbelieving the statement of the passenger Laxmamma as an afterthought, believing the evidence of the TTI, holding the charge as proved against the petitioner appears to be biased. The disciplinary authority agreeing with the findings of the enquiry officer without considering the objections of the petitioner on the enquiry report and without considering his explanation to the show cause notice of removal, issuing final proceedings removing him from service, appears to be improper. The other superior authorities also confirming the orders of the respondent in removing the petitioner from service, by taking into consideration his past conduct, without considering the case in proper perspective is arbitrary and harsh.

22. Hence, it is considered fit to set aside the removal order issued by the respondent dt. 16-12-2016 marked under Ex. M22 and the respondent is directed to reinstate the petitioner into service with continuity of service, attendant benefits and full back wages.

23. In the result, the petition is allowed."

6. On the challenge made by the Management, the learned Writ Court refused to interfere with the impugned award, *inter alia*, holding as under:

"5. Having regard to the rival contentions and the material on record, this Court finds that at the time of

> check itself, though the passenger has initially produced a ticket for Rs.2/-, subsequently, a ticket worth of Rs.10/- was also been produced with red ink mark. The authorities are of the opinion that the ticket was not issued by the respondent to the passenger, but it was issued to another passenger and that the report has been drafted by the jeeb driver E. Suresh and was attested by the co-passenger by name Raja Ram and service driver P. Raju. However, as observed by the Labour Court-I, the authorities have not counted the number of passengers in the bus. It is also rightly observed that the checking officials failed to seize the ticket produced by the respondent ticked with red pen, to verify the truth of his statement. The findings of the Labour Court-I in para 20 are not controverted by the petitioner corporation with any evidence to the contrary.
>
> 6. In view of the same, this Court does not find any merit in the writ petition and the writ petition is accordingly dismissed. There shall be no order as to costs."

7. The Management being aggrieved has preferred this instant appeal. The appeal suffers from delay of 277 days for condonation of which I.A.No.1 of 2025 has been filed. The only explanation worth its name is at paragraph 9 of the I.A., which is extracted hereunder:

> "It is submitted that this Hon'ble Court passed orders on 02.09.2024 and the file was sent to the Standing Counsel for drafting writ appeal. Accordingly, the file was sent to the Standing Counsel for drafting appeal. The Standing Counsel accordingly drafted the grounds of appeal and returned the file to the law department. Thereafter, fair copies together with material papers have been prepared and sent to the Standing Counsel for filing writ appeal. In the process there is a delay of _____ days in filing writ appeal and the same is neither willful nor wanton, but for the reasons explained above. Unless this Hon'ble Court condones the delay of

_____ days in filing the writ appeal, the appellants will be put to great hardship."

8. Learned counsel for the appellant has made submissions on merits also and taken this Court to the findings of the learned Labour Court and also the learned Writ Court. He submits that though the employee has been reinstated, at least with regard to the quantum of back wages this Court may consider by interfering in the award. He submits that there was no deliberate delay on the part of the Management in preferring the appeal.

9. We have heard the learned counsel for the appellant and taken note of his submissions both on merits and on the delay condonation application. There are consistent findings of fact by the learned Labour Court as upheld by the learned Writ Court also on the alleged misconduct.

10. We are not persuaded by the submissions of the learned counsel for the appellant on merits that the findings of the learned Labour Court as upheld by the learned Writ Court suffers from any perversity in appreciation of evidence warranting interference at this

stage. Apart from that, the Management has failed to provide any cogent explanation for an inordinate delay of 277 days in preferring the instant appeal. Therefore, we are not inclined to condone the delay of 277 days.

11. Accordingly, I.A.No.1 of 2025 is dismissed. Consequently, the writ appeal is also dismissed.

Miscellaneous petitions, pending if any, stand closed.

SD/-V.KAVITHA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI R.ANURAG, SC FOR TGSRTC [OPUC]
2. One CC to SRI JEERIPOTHULA SRINIVAS, Advocate [OPUC]
3. Two CD Copies

BSR
LS

HIGH COURT

DATED: 23/07/2025



JUDGMENT
I.A.No.1 of 2025
IN/AND
WA.No.792 of 2025

DISMISSING BOTH THE I.A & WA,

WITHOUT COSTS

(B)

kpr

9/9/25