**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

FRIDAY, THE TWENTY SECOND DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH**
**AND**
**THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

**WRIT APPEAL NO: 887 OF 2025**

Writ Appeal under clause 15 of the Letters Patent filed against the order Dated 08/04/2025 in Writ Petition No.14018 of 2017 on the file of the High Court.

**Between:**

A.Venkata Swamy, S/o.Komuraiali. Aged about 52 years, Driver, E.322263 TGSRTC, Manthany Bus Depot, Karimnagar, T.S. W.P.14018/2017

**...APPELLANT**

**AND**

1. The Depot Manager, Manthany Depot, Telangana State Road Transport Corporation
2. The Regional Manager, Manthany Depot, Telangana State Road Transport Corporation
3. Telangana State Road Transport Corporation, Bus Bhavan, Musheerabad, rep. by its Vice Chairman and Managing Director
4. The Honourable Industrial Tribunal, cum Labour Court cum VI Addl. District and Sessions Court, Godhavari Khani, Karimnagar, Rep. by its Presiding Officer

**...RESPONDENTS**

**Counsel for the Appellant : SRI P.VENKATESWAR RAO**

**Counsel for the Respondents No.1to3 : SRI N.CHANDRA SEKHAR, (SC FOR TSRTC ZONE 2)**

**Counsel for the Respondents No.4 : GP FOR LABOUR**

**The Court made the following: JUDGMENT**

**THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH**

**AND**

**THE HON'BLE SRI JUSTICE G.M. MOHIUDDIN**

**WRIT APPEAL No.887 of 2025**

**JUDGMENT:**

Heard Sri P.Venkateshwar Rao, learned counsel for the appellant, Sri N.Chandra Sekhar, learned Standing Counsel for TSRTC appearing for respondent Nos.1 to 3 and perused the record.

2. The present writ appeal is filed by the unsuccessful writ petitioner against the order dated 08.04.2025 passed in W.P.No.14018 of 2017 by the learned Single Judge, whereby the learned Single Judge dismissed the plea of the writ petitioner/appellant challenging the Award dated 22.12.2015 passed by the Labour Court in I.D.No.38 of 2014 and confirmed the removal of the petitioner from service.

3. The factual matrix leading to the filing of the present writ petition is that the writ petitioner/appellant was appointed as a contract conductor in the *erstwhile* APSRTC in the year 2007 and his services were regularized in the year 2010. The writ petitioner was proceeded against in a domestic enquiry in connection with the cash and ticket irregularities by a charge

sheet dated 23.12.2013 on the charge that the petitioner has collected Rs.1,025/- from the passengers without issuing tickets. The petitioner submitted explanation to the charge sheet on 30.12.2013. The Corporation after holding the departmental enquiry, by enquiry report, dated 11.06.2014, held that the charges against the petitioner were proved. The petitioner filed his objections/comments to the enquiry report on 21.06.2014 and a show cause notice was issued to the petitioner on 27.06.2014 to which the petitioner submitted his explanation on 01.07.2014. A final order was passed, whereby the petitioner was removed from service on 03.07.2014.

4. The petitioner filed a departmental appeal on 20.07.2014 and the same was rejected. Subsequently the petitioner also filed a review petition against the rejection of the appeal and the review petition was also rejected. The petitioner further preferred a review appeal which also was rejected on 16.10.2014.

5. The petitioner/appellant raised an Industrial Dispute I.D.No.38 of 2014 before the Labour Court, wherein the Labour Court *vide* Award dated 22.12.2015 held that the dismissal of the petitioner was justified as the domestic enquiry was validly conducted and the petitioner himself filed a memo under

Section 11-A of the Industrial Disputes Act (for short, 'the Act') accepting the enquiry and that he could not at a later date claim that the domestic enquiry was defective. The Labour Court further held that the charges against the petitioner were proved. The past record of the petitioner including the punishments suffered by him on several occasions including censure on several occasions, deferment of annual increment once and termination from service on one previous occasion clearly established that the petitioner was a repeated offender. The Labour Court further held that not issuing tickets after collecting money is not a minor cash and ticket irregularity but a serious matter of breach of trust. Thus, the Labour Court upheld the order of dismissal from service holding that the punishment was not disproportionate to the gravity of the offence.

6. The petitioner aggrieved by the Award of the Labour Court in I.D.No.38 of 2014 filed W.P.No.14018 of 2017 which was dismissed by the learned Single Judge of this Court upholding the order of the Labour Court.

7. Learned counsel for the appellant submitted that the appellant was operating a one-man service, where he was performing the dual duties as a driver as well as a conductor. It

is further urged on behalf of the appellant that the ticket issuing machine malfunctioned; that the statement of the passengers was recorded behind the back of the appellant and his signatures were obtained on blank papers; that the appellant issued the tickets which the passengers may have misplaced and that there was no intention on the part of the appellant to defraud the Corporation.

8. It is contended on behalf of the Corporation that the passengers unanimously stated that they had paid the fare but the tickets were not issued to them; that the appellant upon seeing the checking officials issued a ticket of Rs.656/- which is a clear admission of guilt and that the appellant had a poor past report with multiple punishments including censure, deferment of increment and a previous termination from service.

9. Learned counsel for the appellant further contended that the order of the learned Single Judge suffered from fundamental misconception that the appellant was a conductor and not a driver and that incorrect perspective of the learned Single Judge resulted in the lack of proper appreciation of the facts and circumstances. The learned Single Judge further failed to consider the undue burden on the appellant as both the driver and conductor of the bus coupled with lack of training of the

appellant to perform the duties of a conductor. Learned counsel further contended that at any rate, the removal from service was shockingly disproportionate punishment for a minor cash and ticket irregularity and that the failure to obtain approval from the Labour Court under Section 33(2)(b) of the Act vitiated the proceedings. It is further contended that there were several procedural irregularities in the conduct of the departmental enquiry and there is violation of principles of natural justice. The learned Single Judge failed to appreciate that the management failed to prove the charges against the appellant and also the report of the enquiry officer was cryptic.

10. Having regard to the submissions made and upon consideration of the entire material on record, we are of the considered opinion that the order of the learned Single Judge suffered from no illegality or perversity being properly reasoned judgment based upon the consideration of the entire material on record including the claims and contentions of both sides. It is further found that the penalty awarded to the appellant was justified in the facts and circumstances of the present case. Thus, we find that no reason to interfere with the well-reasoned order of the learned Single Judge and there is no merit in the present appeal. Therefore, the appeal is liable to be dismissed.

11. Accordingly, the Writ Appeal is dismissed. No order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

SD/-A. PRATHIMA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Depot Manager, Manthany Depot, Telangana State Road Transport Corporation
2. The Regional Manager, Manthany Depot, Telangana State Road Transport Corporation
3. Telangana State Road Transport Corporation, Bus Bhavan, Musheerabad, rep. by its Vice Chairman and Managing Director
4. The Presiding Officer, Industrial Tribunal, cum Labour Court cum VI Addl. District and Sessions Court, Godhavari Khani, Karimnagar.
5. One CC to SRI P.VENKATESWAR RAO Advocate [OPUC]
6. One CC to SRI N.CHANDRA SEKHAR, (SC FOR TSRTC ZONE 2). [OPUC]
7. Two CCs to GP FOR LABOUR, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CD Copies.

BSK

MMT

HIGH COURT

DATED:22/08/2025




JUDGMENT

WA.No.887 of 2025

DISMISSING THE WRIT APPEAL
WITHOUT COSTS

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ASV
27/10/25