

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI
THE HON'BLE SRI JUSTICE G. RAMAKRISHNA PRASAD
WRIT PETITION No. 896 OF 2023

ORAL ORDER:

Heard Ms.P.Indumathi, Ld. Counsel appearing on behalf of Sri Ch.Mallikarjuna Rao, Ld. Counsel for the Writ Petitioner, Sri M.Jaya Prakash, Ld. Counsel appearing on behalf of Sri M.Solomon Raju, Ld. Standing Counsel for APSRTC and Ld. Government Pleader for Services-III.

2. Award of the Industrial Tribunal Cum Labour Court, Guntur dated 02.03.2021 in Industrial Dispute No.128 of 2016 is challenged in the present Writ Petition. Though the Impugned Order was passed on 02.03.2021, the present Writ Petition is filed only on 02.01.2023. On perusal of the Affidavit filed in support of the Writ Petition, it is noticed that the said Affidavit is bereft of reasons for approaching this Court with so much delay as the Impugned Order came to be passed way back on 02.03.2021.

3. On perusal of the Award passed by the Industrial Tribunal Cum Labour Court, Guntur, it reveals that the Writ Petitioner was subjected to disciplinary proceedings and imposed punishment of treating the suspension period as not on duty and also withholding of two annual increments with cumulative effect. It transpires from the record that on enquiry, the Industrial Tribunal Cum Labour Court, Guntur held that the punishment imposed against the Writ Petitioner is justified by holding as under:

“27. A driver like workman working in a public utility services working on a service vehicle of APSRTC, driving the vehicle carrying passengers negligently, failed to anticipate, vehicle users, and involving in the accident, no doubt will pose a threat not only to the passengers travelling in APSRTC vehicles but also to the road users. Having regard to these factors and to instill discipline and effectiveness in driving the vehicles, the first respondent has rightly imposed the punishment to withhold his annual increment for a period of two years with cumulative effect. As the workman was responsible for initiation of domestic inquiry into the accident, during which he was placed under suspension, wherein both the charges leveled against him were proved, therefore, treating his suspension period as not on duty by the first respondent is wholly justified and the point is answered accordingly against the workman/claimant.

28. As per the discussions made in point No.1, the workman is not entitled to any relief against the respondents and the point is answered accordingly.

29. In the result, the reference is answered and the punishment imposed by the first respondent/The Depot Manager, APSRTC, Vuyyur Depot vide its order dated 21-03.2011 to withheld the annual increment of workman Sri KVVS Rao, Driver, E.357407 for a period of two years which shall have effect on his future increments besides treating his suspension period, as not on duty for the purpose of increments etc, is justified.”

4. In view of the facts mentioned herein above, this Court is not inclined to interfere with the Impugned Order dated 02.03.2021 passed by the Industrial Tribunal Cum Labour Court, Guntur in Industrial Dispute No.128 of 2016, both, on merits as well as due to laches.

5. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

6. Interlocutory Applications, if any, stand closed in terms of this order.

G. RAMAKRISHNA PRASAD, J

Dt: 18.01.2023.
SDP/SR

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THE HON'BLE Mr. JUSTICE G. RAMAKRISHNA PRASAD

WRIT PETITION No. 896 OF 2023

18.01.2023

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