
(2000) 07 AP CK 0062
In the Andhra Pradesh High Court
Case No : Writ Petition No. 3746 of 2000

Ch. P. Reddy

APPELLANT

Vs

APSRTC, Hyderabad and another

RESPONDENT

Date of Decision : 24-07-2000

Acts Referred:

Andhra Pradesh State Road Transport Corporation Employees (Conduct) Regulations, 1963 — Regulation 28, 8

Citation : (2000) 5 ALD 93 : (2000) 5 ALT 7

Hon'ble Judges : Bilal Nazki, J

Bench : Single Bench

Advocate : Mr. V. Narasimha Goud, for the Appellant; Mrs. Nanda R. Rao, for the Respondent

Judgement

1. An order dated 16-2-2000 passed by 2nd respondent has been challenged in this writ petition. Notice was issued. Counter has been filed. With the consent of the parties the writ petition is disposed of at this stage after hearing them. Rule Nisi.

2. The petitioner is a Conductor working in the respondent Corporation. He was accused of having kept the tickets negligently which were stolen. On the basis of this accusation the following charge was framed against him by charge sheet dated 6-12-1999 :

"Charge:

For having kept the ticket tray No. 059 with blocks in the service bus conducted by you which was halted at Ramayampet Bus station and went away to canteen for meals without bothering about its safe custody, which resulted in some unknown persons stolen the running blocks worth of Rs.15,574/- and fresh block value of Rs.400/- on 26-11-1999 at about 21.45 hrs. while performing duty on route Bodhan-Hyderabad via Nizambad - which constitutes misconduct in terras of Reg.28, sub-clause (ix) (a) of APSRTC Employees (Conduct) Regulation 1963."

He filed an explanation. After considering the explanation he was imposed penalty of Rs.16,258/- Rs.15,574/- is the value of the tickets which were stolen and Rs.400/- is the cost of printing the tickets and Rs.284/- is the cost of the tray in which the tickets had been kept. The learned Counsel for the petitioner submits that, even if it is conceded that the charge against the petitioner was proved, even then, a penalty of payment of Rs.16,258/- could not be imposed upon him. He relies on clause 40.07 of the Operation Manual which lays down :

"40.07. Face value of the tickets lost is not liable to be recovered from the person responsible. However, cost of the paper and printing charges are liable to be recovered apart from other action than may be taken vide para 40.06."

Clause 40.06 lays down that in case of loss of tickets disciplinary action can be taken as per the CCA Regulations. He also relies on Office Audit Manual which pertains to the Audit. It lays down :

"If it is proved that the Conductor has issued tickets and defrauded the Corporation the face value of the tickets should be recovered from the salary of the Conductor and the debit under A.H.No.297(A). Loss of Tickets cleared; besides taking disciplinary action against the Conductor as per C.C.A. Regulations."

The learned Counsel for the petitioner submits that, in view of these provisions in the Manual, at best the cost which was incurred by the Corporation in printing the tickets could be recovered from him. There was neither an allegation that there was any fraud committed by the petitioner nor was any finding to the fact that the petitioner or anybody else had used the tickets which could incur a loss for the Corporation."

3. The learned Counsel for the respondents, however states that, since the tickets were lost it is not known whether they were used at all and in case they were used then the Corporation might have suffered the loss. This argument cannot be accepted because the numbers of the tickets which were lost must be known to the Corporation and had they been misused, it could have come to their notice. It appears that the respondents have not even the apprehension that the tickets could be or were used because, then the charge sheet would reflect it. The charge is essentially of losing the tickets. The petitioner cannot be punished for any other charge. I have also gone through the CCA Regulations. The penalties are prescribed under Regulation 8 of the Regulations. When it was pointed out to the learned Counsel for the respondents as to under which regulation the petitioner has been punished, she referred to clause (v) of Regulation 8 which lays down :

"8. Penalties :--(1) The following penalties may, for good and sufficient reason and as hereinafter provided, be imposed upon an employee, namely;

(i) to (iv).....

(v) recovery from pay of the whole or part of any pecuniary loss caused to the

Corporation by an employee's negligence or breach of orders;"

Under this provision, if the Corporation faces a pecuniary loss by an employee's negligence the amount lost by the Corporation can be recovered wholly or partly. In no case, an amount more than the amount which was lost by the Corporation can be recovered from the negligent official. Therefore, clause (v) of Regulation 8 also does not permit the Corporation to impose a penalty which is more than the amount of the loss the Corporation has suffered. Admittedly, in this case the respondents have not suffered loss of the amount which the tickets could fetch if they were sold to the passengers travelling in the buses. They have only suffered the loss which was incurred by the Corporation in their printing and stacking, that cost is also given in the impugned order. The Corporation has suffered a loss of Rs.400/- towards printing value and Rs.284/- on account of the cost of the tray, that makes it Rs.684/- and this Court while entertaining the writ petition had allowed the respondents to recover Rs.1500/- from the petitioner.

4. For the reasons given above, this writ petition is allowed and the impugned order is quashed, but at the same time it is directed that if any amount has been recovered from the petitioner the respondents shall retain the amount which actually they lost because of the negligence of the petitioner the balance shall be paid back to the petitioner and if the amount is not recovered so far, the amount be recovered from the petitioner.