

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**TUESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.42178 of 2015

Between:

A.K. Basha, E-403630,
APSRTC Driver, S/o.Hassan Sab,
52 years, Yemmiganur Depot,
R/o. Yemmiganur, Kurnool District.

.. Petitioner

AND

The A.P.S.R.T.C.,
Rep. by its Managing Director,
Musheerabad, Hyderabad & 3 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.42178 of 2015

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ORDER:

On the allegation of fatal accident caused to the vehicle in the custody of the petitioner, disciplinary proceedings were initiated resulting in passing the order of removal from service by the disciplinary authority. The petitioner challenges this order of removal on various grounds.

2. Against the order of removal, an appeal shall lie to the appellate authority under Regulation No.22 of the Andhra Pradesh State Road Transport Corporation Employees (Classification, Control and Appeal) Regulations, 1967. Without exhausting the said appeal, this writ petition is filed.

3. Learned counsel for the petitioner sought to contend that the defence of the petitioner was not appreciated. The principal defence of the petitioner was that the person who met with an accident was in a drunken condition, but this fact was not appreciated by the disciplinary authority. A *Prima facie* reading of the impugned order would show that all the contentions urged by the petitioner were considered before the disciplinary authority has arrived at the decision to impose the punishment of removal. Against order of disciplinary authority, the petitioner has right of appeal under Regulation 22. The said remedy is an effective and efficacious remedy, wherein the petitioner is entitled to raise all the contentions for consideration by the

appellate authority. No justification made out for directly invoking the jurisdiction of this Court challenging the order of removal by the disciplinary authority. It is not the case of the petitioner that the Depot Manager is not competent to initiate and pass orders.

4. Thus, leaving it open to the petitioner to raise all the contentions in the appeal, the Writ Petition is dismissed. It is needless to observe that as and when the appeal is filed, the same shall be considered objectively and as expeditiously as possible, preferably within a period of eight (8) weeks from the date of receipt of appeal, if any is filed. It is made clear that the observations made above are for the purpose of disposal of this writ petition and cannot come in the way of the petitioner agitating all the contentions before the appellate authority and for the appellate authority to consider those contentions. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 29th December, 2015

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Date: 29th December, 2015

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