

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO. 41156 OF 2014

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ORDER:

The present writ petition is filed by a conductor of A.P.S.R.T.C, who has been placed under suspension by the impugned order dated 15.12.2014. He seeks to challenge the correctness of this order passed by the Depot Manager, A.P.S.R.T.C. , Razole Depot, East Godavari District.

It appears, there was a report filed by Head Constable attached to the A.P.S.R.T.C depot at Razole that the paddy cultivated in the vacant land behind the compound wall of the garage and bus station complex has been stolen by the brother of the writ petitioner with the help of some coolies on 09.12.2014. The Assistant Manager (Traffic) had conducted a preliminary enquiry, confirmed the allegation thereagainst the brother of the writ petitioner and further it was noticed that the writ petitioner has cooperated and encouraged his brother to indulge in that activity.

Learned counsel for the petitioner would urge that the writ petitioner has nothing to do with the activities indulged in by his brother and he cannot be penalized for the acts said to have been committed by his brother. According to the learned counsel for the petitioner, this is a gross improper exercise of power available in the hands of the Depot Manager.

An order of suspension is a step-in-aid for conducting a departmental enquiry against whom serious allegations have been leveled. The impugned order merely did not set out that he was placed under suspension for the acts committed by his brother of the writ petitioner, but it has proceeded further and set out that the preliminary enquiry has revealed that the petitioner has not only extended cooperation but also encouraged his brother in indulging in such

activities. Being an employee of the Corporation, his conduct of encouraging his brother or extending cooperation to him to enable him to indulge in a gross act of misdemeanor is what is viewed seriously by the Depot Manager. Therefore, it is for the Corporation to conduct the enquiry as early as possible and the order of suspension cannot be interdicted.

I, do not find any justifiable reason to entertain this writ petition and accordingly, it is dismissed at the admission stage. Consequently, miscellaneous applications pending shall stand closed. No costs.

However, it should be remembered that a prolonged suspension will be detrimental to the interest of the Corporation as well, inasmuch as, during the period of suspension, the Corporation will be obliged to pay a substantial amount as subsistence allowance to the employee concerned who has been placed under suspension without extracting any work in return therefore. Therefore, the enquiry shall be completed as expeditiously as possible, preferably within a period of three months.

JUSTICE NOOTY RAMAMOHANA RAO

19.01.2015

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