

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO. 6115 of 2015

ORDER:

The petitioner herein challenges the orders passed by the Depot Manager, Ravulapalem on 11.12.2014 placing the writ petitioner under suspension. The facts are not in dispute in this case. On 05.12.2014, the petitioner was conducting a bus plying between Kakinada to Ravulapalem. The checking officials of the bus have conducted a surprise check and found two passengers who have boarded the bus at Vedurumudi and bound to Ravulapalem have not been issued tickets by the petitioner. When confronted, the two passengers have candidly admitted that they have not paid any fare to the conductor and hence he has not issued any tickets. Therefore, the checking officials have issued two top punched tickets and also collected appropriate penalty amount from the two passengers for traveling without paying any fare to the bus conductor. On this count of misconduct, the petitioner is placed under suspension and the charge is also laid against him, for having failed to collect the requisite fare of Rs.10/- from the batch of two passengers who boarded the bus at Vedurumudi and bound for Ravulapalem. The petitioner in his explanation has submitted that because of the traffic jam and the delay in getting it cleared, has resulted in his failure to collect the fare from the passengers and issue them the tickets. It is for the Depot Manager either to accept the explanation or otherwise to deal with the petitioner for the alleged misconduct. The petitioner has not disputed the fact that he has not issued the tickets to these two passengers. The silver lining to a dark cloud is the fact that he has not collected the fare from them. If the petitioner has collected the fare, but failed to issue the tickets, the

misconduct would have taken a serious magnitude. Since he has neither collected the fare nor issued tickets, at the highest he can be accused of being negligent in discharging the duties. Since, no separate facts are needed to be established in the instant case, the Corporation could have finalized the disciplinary proceedings by dealing with the explanation offered by the petitioner.

For maintaining good industrial relations, and also to ensure that no dent is caused to the revenues of the Corporation, any failure to collect fare and issue tickets has got to be viewed as a misconduct on the part of a conductor. But, that cannot be treated as a major misconduct unless for something more, a sinister design is also attributed. If, this is the first time that the petitioner has been found fault with for having not collected the fare and failed to issue tickets, the same can be viewed as a minor misconduct which can at best fetch a minor penalty. Therefore, the Depot Manager, Ravulapalem is directed to take appropriate decision as immediately as is possible upon receipt of this order and at any rate the misconduct is only on a minor scale, he would consider reinstating the petitioner immediately to duty. As is otherwise, the Corporation will have to pay the subsistence allowance each month without extracting a rupee's work from the employee concerned. Thus, viewed in the above backdrop, the Depot manager is directed to take an appropriate decision as suggested supra and communicate the same to the petitioner.

With this, the writ petition stands disposed of after hearing Sri S.V. Ramana, learned Standing Counsel for A.P.S.R.T.C. and with his consent the writ petition itself is disposed of.

Consequently, miscellaneous applications pending shall also stand closed. No costs.

11.03.2015
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JUSTICE NOOTY RAMAMOHANA RAO