

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40418 of 2015

Dated : 14.12.2015

Between:

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

.. Petitioner

And

The A.P.S.R.T.C., rep., by its Managing Director,
Musheerabad, Hyderabad & 2 others.

.. Respondents

This Court made the following :

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ORDER :

The petitioner is a driver in the respondent-Corporation. Disciplinary proceedings were initiated against him on the allegation of causing fatal accident to Vehicle No.AP 21 Z 0513 while performing his duty on service route between Mantralayam and Rajahmundry on 19.08.2015. He was placed under suspension by proceedings dated 01.09.2015 and on the same day charge sheet was also served on him. Enquiry was conducted and basing on the enquiry report, a show cause notice was issued to the petitioner against proposed decision to remove him from service by memo dated 04.12.2015. The petitioner challenges the said show cause notice in this writ petition.

2. The notice impugned in this writ petition is a show cause notice issued in consequence to the disciplinary proceedings initiated against him. So far the petitioner has not even filed his explanation and directly challenges the said notice in this writ petition.

3. It is not the case of the petitioner that due procedure was not followed in departmental proceedings. It is also not the case of the petitioner that the show cause notice was issued by the incompetent authority. Therefore, at this stage and even before a final decision is taken by the competent authority, this Court is not inclined to entertain the writ petition and adjudicate on the justification for issuing such show cause notice. It is always open to the petitioner to raise all the contentions against the proposed action of the respondents. If those objections are not considered, and an adverse decision is taken appropriate remedies are available as per the service Regulations and petitioner has to avail those remedies. But the petitioner cannot directly invoke the jurisdiction of this Court, even before the Disciplinary authority takes a decision on the disciplinary action required to be taken against him.

4. Thus leaving it open to the petitioner to file his objections and the respondent-authorities to consider the said objections and to pass appropriate orders, the writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

P.NAVEEN RAO,J

14th December, 2015

Note : Issue c.c. by tomorrow.

B/o.

Rds

