

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.8387 of 2015

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ORDER:

The petitioner, who is working as a Conductor and attached to Nizamabad Bus Depot-I of the Andhra Pradesh State Road Transport Corporation (for short, 'the Corporation'), calls in question the orders passed by the Depot Manager of the said Depot on 11-03-2015, firstly placing the petitioner under suspension pending inquiry and secondly, initiating disciplinary action against him, through a separate proceeding passed on the same date, namely 11-03-2015, framing a charge.

Heard Sri V. Narasimha Goud, learned counsel for the petitioner and Sri N. Vasudeva Reddy, learned Standing Counsel appearing on behalf of the respondent Corporation.

Sri Narasimha Goud would submit that the petitioner was assigned duty to conduct first service from Simnapally to Nallavelly at 5-30 am. There were only four passengers in the bus by then. Two passengers wanted to board the bus, but looking at their condition, inasmuch as they were in an inebriated condition, the petitioner has requested them not to board the bus. Taking the same as an insult, the two passengers appeared to have lodged a complaint against the petitioner making a false allegation that he has given them upgraded tickets of the previous day's duty after collecting Rs.10/- from each of them. Based upon this complaint, the petitioner has been placed under suspension and inquiry has been now initiated. The learned counsel would contend that in the best interests of the Corporation and to keep up the reputation of the Corporation, when a couple of passengers were found to be in an inebriated condition, if they have been requested not to board the bus, the respondents have preferred to base their action on such a complaint and hence, the action is completely arbitrary and illegal.

On the other hand, the learned Standing Counsel would submit that the allegation made against the petitioner relates to a cash and ticket irregularity. If the petitioner was trying to recycle the tickets that were issued for the previous day's service, such an action would amount to misappropriating the funds of the Corporation and hence, inquiry was rightly initiated against him.

Much appears as capable of being told on either side on this case. It all depends, when the petitioner, as a Conductor of a bus belonging to the Corporation, has not allowed a couple of passengers, who were already in an inebriated condition to board the bus, such an action cannot be construed as acting contrary to the interests of the Corporation. If a passenger creates inconvenience or for that matter, nuisance to the fellow-passengers in a bus because of his inebriated condition, then the Corporation's interest will suffer. On the other hand, if the petitioner, taking advantage of the fact that there is none to check, is trying to recycle the previous day's tickets, that would amount to an act of gross misconduct. Therefore, entire thing centers around the conduct possessed by the petitioner at the relevant point of time.

I, therefore, direct the Corporation to complete the inquiry in all respects latest by 10-05-2015. It is essential that the complainants must be examined in the presence of the petitioner and he must be provided a fair and reasonable opportunity to cross-examine them. Further, if the petitioner prefers to examine any of the other passengers, who travelled by the bus, in support of his plea that he has prevented two passengers from boarding the bus itself, such an opportunity should be provided to him. For any reason, if the inquiry is not completed or even if the inquiry is completed, the other follow-up action could not be finalized, the petitioner shall be reinstated by 11-05-2015, so that the inquiry proceedings can be carried forward even thereafter. It goes without saying that the petitioner shall extend the necessary cooperation for completion of the inquiry before the time specified now.

With this, the writ petition stand disposed of at the admission stage, but without costs.

Consequently, the miscellaneous petitions, if any, stand disposed of.

NOOTY RAMAMOHANA RAO, J.

mrk

17.04.2015.

