

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

Writ Petition No.24339 of 2015

Between

P.S. Narayana

... Petitioner

and

The Depot Manager,
APSRTC,
Kakinada Depot,
East Godavari district;
and 2 others

... Respondents

DATE OF JUDGMENT PRONOUNCED: 06-8-2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE R.KANTHA RAO

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|---|--|--------|
| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgment? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.24339 of 2015

Order:

Heard Sri T.S. Venkata Ramana, learned counsel appearing for the petitioner and Sri S.V. Ramana, learned Standing Counsel for the respondents-APSRTC.

2. This writ petition is filed seeking a Writ of *mandamus*

to declare the proceeding dated 07-7-2015 issued by the 1st respondent as illegal, arbitrary and against the principles of natural justice.

3. Briefly stated, the averments in the writ petition are as follows:

(a) It is submitted that the petitioner was appointed as driver in 2005 in the respondents-Corporation and was posted to Razole Depot and subsequently transferred to Kakinada. It is alleged that on 29-6-2015 while the petitioner was performing duty with the bus on route Vijayawada to Kakinada, the officials of the Corporation exercised a check on the bus at Tadepalligudem Bridge and found that the petitioner allowed E.1 cover without passenger from Vijayawada to Tadepalligudem, by collecting Rs.20/- from the owner of that cover at Vijayawada by way of illegal gratification at the time of departure of the bus at Vijayawada and at the time of handing over the same at Tadepalligudem, the person who has come to handing over the cover has stated that his friend has paid an amount of Rs.20/- at the time of departure of the bus at Vijayawada, thus pocketed an amount of Rs.20/- as illegal gratification and tarnished the image of the Corporation.

(b) Thereafter, based on the charge memo, the petitioner was placed under suspension by order dated 07-7-2015. On 10-7-2015, the petitioner submitted his explanation, which was not considered by the 1st respondent. The 1st respondent while issuing the charge

sheet dated 07-7-2015 also issued the petitioner suspension proceedings dated 07-7-2015 asking him not to attend the duties pending enquiry. The order of the suspension is contrary to facts and regulations of the Corporation. The petitioner is prepared for any enquiry. Hence, the present writ petition.

4. Having regard to the facts and circumstances stated in the Affidavit filed in support of the writ petition, the explanation submitted by the petitioner informing about collection of courier charges by ANL Service, the writ petition is disposed of revoking the suspension order dated 07-7-2015 and directing the respondents-Corporation to conduct an enquiry into the allegations levelled against the petitioner and pass final orders as expeditiously as possible. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

R.KANTHA RAO, J.

06th August, 2015.
Ak

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.24339 of 2015

06th August, 2015.
(Ak)