

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.38930 of 2014

ORDER:

Heard learned counsel for the petitioner as well as Ms. Radhika, learned Standing Counsel for the respondent State Road Transport Corporation.

The petitioner, a driver attached to Suryapet Bus Depot of the respondent Corporation, has allegedly misbehaved with one Md. Saleemulla, a Despatch Mechanic attached to the same Depot, on 13-02-2013. Consequently, Md. Saleemulla lodged a complaint on the same day with the Depot Manager. There appears to be some preliminary enquiry conducted by the Assistant Engineer (Mechanical) as well as the Assistant Manager (Traffic) into the incident. Finding *prima facie* material, a charge sheet has been drawn against the petitioner on 02-03-2013. The petitioner appears to have filed his reply thereto on 16-03-2013. However, the Depot Manager had completed the proceedings by passing the final orders on 23-03-2013 setting out that after careful consideration of the entire matter, he had come to the conclusion that the charge levelled against the petitioner stood proved for which he has imposed punishment of stoppage of one increment for the period of one year, which will have effect on his future increments.

It is contended by Sri P. Venkateshwer Rao, learned counsel for the petitioner that the punishment imposed by the Depot Manager on 23-03-2013 withholding one annual increment with cumulative effect, is a major punishment and no such major punishment can be imposed without conducting a detailed inquiry as contemplated and provided for under Regulation-12 of the APSRTC Employees' (CCA) Regulations, 1963.

It is no longer in doubt that imposition of punishment of stoppage of one annual increment with cumulative effect amounts to a

major punishment. For imposition of a major punishment, the procedure provided by Regulation 12 of the Regulations has to be followed. Though a charge sheet has been drawn against the petitioner on 02-03-2014 and the explanation has also been submitted thereto by the petitioner on 16-03-2013, the Depot Manager failed to conduct the inquiry. Therefore, the impugned order is clearly unsustainable, hence, it is set aside. The matter is remanded and the Depot Manager is directed to hold an enquiry and then proceed strictly in accordance with the Regulations by imposing an appropriate punishment, in case the charge is held proved.

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

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

**NOOTY RAMAMOHANA
RAO, J.**

mrk
20.01.2015.