IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.3629 of 2015

BETWEEN

M.S. Sunder.

... PETITIONER

AND

APSRTC, Rep. by its VC & MD, Musheerbad, Hyderabad and two others.

...RESPONDENTS

Counsel for the Petitioner: MR. P. GOVINDA RAJULU

Counsel for the Respondent: MR. B. MAYUR REDDY

The Court made the following:

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ORDER:

Petitioner, a driver in the respondent corporation, was suspended, as he was in the custody of the police on 24.12.2014 along with his parents in Cr.No.179 of 2014 and underwent judicial remand from 25.12.2014 to

23.01.2015. Petitioner states that he was released on bail on 23.01.2015 and thereafter, he approached the respondent authorities on 24.01.2015 seeking to join the duty. The third respondent, however, did not permit the petitioner to join the duty and instead he was served with impugned charge sheet dated 03.02.2015 and he was kept under suspension, pending enquiry, on the allegation that he did not report his arrest in the criminal case and judicial remand.

2. The aforesaid order is questioned in this writ petition on the ground that Regulation 28 (XXII) of the APSRTC Employees (Conduct) Regulation, 1963 is not attracted on the facts of this case and that the petitioner himself approached the respondent authorities seeking permission to join duty after securing bail and no misconduct, as such, can be said to be conducted in terms of the aforesaid regulation.

3. Mr. B. Mayur Reddy, learned standing counsel for the respondent corporation, on the other hand, submits that Regulation 26 of the Regulations aforesaid is attracted on the facts of the case and as such, since the petitioner was, admittedly, in judicial custody,
the order of suspension as well as charge sheet was rightly issued and that the petitioner is free to defend himself in the said proceedings.

4. In view of suspension pending enquiry ordered against the petitioner, this Court would not interfere with the same.
However, petitioner is at liberty to submit his explanation, which may be considered by the third respondent. Hence, it is directed that while the disciplinary proceedings are not interfered with, the third respondent may consider the explanation of the petitioner and take a decision as to whether suspension of the petitioner deserves to be continued or is required to be removed and pass appropriate orders, preferably, within a period of four (4) weeks from the date of receipt of explanation of the petitioner.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

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VILAS V. AFZULPURKAR, J

February 19, 2015
Note: Furnish C.C. of the order by 23.02.2015
(**B**/**o**) DSK