

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

WRIT PETITION No.6416 of 2005

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Between:

T.Venkateswarlu

...Petitioner

and

The Depot Manager, APSRTC, Gadwal Bus Depot,
Mahabubnagar District and others

...Respondents

DATE OF JUDGMENT PRONOUNCED: 03.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6416 of 2005

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ORDER:

The petitioner, a driver in the service of the erstwhile Andhra Pradesh State Road Transport Corporation (APSRTC), filed this Writ Petition assailing the punishment of deferring three annual increments with effect of postponing future increments visited upon him under the proceedings dated 21.08.2002 passed by the Depot Manager, APSRTC, Achampet.

The afore-stated punishment was imposed upon the petitioner after due enquiry against him in relation to the charge of having driven the bus bearing No.AP10 Z 2645 in a rash and negligent manner with lack of anticipation on Achampet - Kalwakurthy Road and dashing against a pedestrian, aged four years, which caused his death. He was also charged with failure in taking adequate precautionary measures while driving the said vehicle.

Sri P.Venkateswara Rao, learned counsel for the petitioner, stated that the petitioner was acquitted of criminal charges in relation to the very same incident in C.C.No.45 of 2002 by the learned Judicial Magistrate of First Class, Achampet, under judgment dated 13.03.2003.

He further stated that the finding recorded against the petitioner is incorrect and that the child was responsible for his own death as he tried to cross the road and dashed against the vehicle.

Perusal of the affidavit filed in support of the Writ Petition discloses that the petitioner never alleged that the findings recorded against him were perverse. Trite to state, in exercise of writ jurisdiction, this Court does not normally sit in appeal over the decision and it is only the decision making process which is subjected to judicial review. It is not the case of the petitioner that there was a lacuna in the decision making process and he does not find fault with the procedure followed by the APSRTC prior to imposition of the punishment. In that view of the matter, this Court cannot sit in appeal over the findings of the enquiry officer which were duly accepted by the disciplinary authority. Mere acquittal of the petitioner in the criminal case would not have the effect of absolving him in the disciplinary proceedings also. The burden of proof required in criminal proceedings would be far higher than that required in the disciplinary proceedings and that apart, the charges against the petitioner were not identical as the disciplinary proceedings instituted against him also related to his lack of anticipation and his failure to take adequate precautionary measures. The acquittal of the petitioner in the criminal case is therefore of no consequence.

Sri B.Mayur Reddy, learned Standing Counsel for the Telangana State Road Transport Corporation, the successor in interest of the erstwhile APSRTC, further informed this Court that the petitioner failed to avail the appellate and review remedies which are provided to him under the Regulations. As pointed out by him, there is no explanation forthcoming as to why the petitioner failed to exhaust these more efficacious remedies.

Sri B.Mayur Reddy, learned counsel, placed reliance on **WHIRLPOOL CORPORATION v/s. REGISTRAR OF TRADEMARKS, MUMBAI^[1], SECRETARY, MINOR IRRIGATION & RURAL ENGINEERING SERVICES, UP v/s SAHNGOO RAM ARYA^[2] and COMMISSIONER OF INCOME TAX v/s CHHABIL DASS AGARWAL^[3]** in support of his contention that this Court should not exercise its extraordinary jurisdiction under Article 226 of the Constitution when an alternative efficacious remedy is available.

That apart, even on merits, no grounds are made out by the petitioner for exercise of its extraordinary jurisdiction by this Court.

In view of the afore-stated circumstances, this Court finds no reason to interfere in the matter.

The Writ Petition is devoid of merit and is accordingly dismissed.

Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY

KUMAR, J

3rd AUGUST, 2015.

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[\[1\]](#) (1998) 8 SCC 1

[\[2\]](#) (2002) 5 SCC 521

[\[3\]](#) (2014) 1 SCC 603