

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

WRIT PETITION No.6142 OF 2005

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DATED 16th SEPTEMBER, 2015

Between:

T.Ravi Kumar

.. Petitioner

and

The Divisional Manager,
APSRTC, Suryapet,
Nalgonda District and another.

. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6142 OF 2005

ORDER

The petitioner, a Conductor in the service of the Andhra Pradesh State Road Transport Corporation (APSRTC) at its Miryalguda Depot, was subjected to disciplinary proceedings and was ultimately visited with the punishment of withholding of one annual increment for a period of one year with cumulative effect besides treating the suspension period as not on duty. This punishment was imposed under the Office Order dated 14.02.2001 passed by the Depot Manager, APSRTC, Miryalguda Depot, Nalgonda District. The same was confirmed in appeal by the Divisional Manager, APSRTC, Suryapet, under proceedings dated 21.02.2005, on the technical ground that the appeal was time barred.

By order dated 28.04.2005, this Court granted interim suspension of the impugned Office Order dated 14.02.2001 which was confirmed under proceedings dated 21.02.2005.

Sri M.Kotaiah, learned counsel for the petitioner, stated that the punishment imposed upon the petitioner was legally unsustainable in the light of the defects in the decision making process underlying the same. He placed reliance on the enquiry report dated 11.07.2000.

Perusal of the enquiry report reflects that three charges were leveled against the petitioner. The first charge was with regard to his having left the bus station at 18.50 hours instead of 19.15 hours. The second charge was with regard to his having operated the vehicle 0.35 minutes before time. Both these charges were held proved. The third charge against the petitioner was that he failed to follow the instructions of the Chief Inspector, Miryalguda, with regard to the operation of one trip

to Babusaipet on 15.03.2000. As regards this charge, the Enquiry Officer at page 13 of the report commented that the evidence of the Controller made the entire charge invalid. Having stated so, the Enquiry Officer strangely concluded that this charge was also held proved beyond reasonable doubt. This inherent contradiction in the enquiry report in so far as the third charge is concerned was not addressed by the disciplinary authority and blindly acting upon the final conclusions recorded, the APSRTC resorted to imposition of the subject punishment upon the petitioner.

However, the lacuna in the decision making process in so far as the third charge is concerned is sufficient to vitiate the entire disciplinary proceedings against the petitioner. The impugned order of punishment which was confirmed thereafter in appeal based on this defective decision making process therefore cannot be sustained. The impugned office order dated 14.02.2001 and the proceedings dated 21.02.2005 are accordingly set aside.

The writ petition is allowed. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

16th SEPTEMBER, 2015
PGS