

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.11892 of 2015

ORDER:

The petitioner is working as a conductor with the Andhra Pradesh State Road Transport Corporation (henceforth referred to as 'the Corporation'). She challenges the legality and validity of the order passed on 23.03.2015 placing her under suspension. The grievance of the petitioner is that on the basis of a complaint said to have been filed by the driver of the bus supported by the conductor, alleging that the petitioner has abused them for having not stopped the bus near about a hospital where the petitioner wanted to alight. She is now placed under suspension.

The learned counsel for the petitioner would submit that the petitioner herself being an employee of the corporation, she got into the bus with a specific request to stop the bus near about a hospital where she has to alight for purpose of undergoing treatment. When she has pointed out to the driver of the bus, he has not stopped the bus at the place where she wanted to alight i.e., near about a hospital, unnecessarily the bus driver and conductor have picked up a quarrel and in that process the petitioner had been subjected to hardship. Secondly, she is now subjected to disciplinary enquiry. In view of non-serious nature of the allegations, learned counsel for the petitioner placing reliance upon the judgment rendered by a Division Bench of this Court in W.A.No.1316 of 2014 urged that the petitioner shall be reinstated and the enquiry can be ordered to be completed by the Corporation at the earliest.

Per contra, the learned counsel for the respondent-Corporation would urge that normally an order of suspension would not have been passed by the Depot Manager until and unless, the situation is considered to be pretty grave by him. In the instant case, it is not merely that the petitioner abused the bus driver and conductor, but by picking up a huge quarrel, she is successfully ensured that the service of the bus itself gets cancelled resulting in loss of revenue to the Corporation, apart from, causing inconvenience to the Corporation. He would further proceed to submit that as if what was done by the petitioner so far is not sufficient, the petitioner has also lodged a criminal complaint against the bus driver and conductor. In view of the gravity of the situation, the Depot Manager has passed the order of suspension.

It is true that a Division Bench of this Court has dealt with in W.A.No.1316 of 2014, by its judgment dated 27.10.2014 has clearly pointed out in the following terms:

“It is too well known that an employee is placed under suspension, when an act of serious or grave misconduct is alleged or when there is every possibility of the employee tampering with the record or interfering with the enquiry, if he is permitted to remain in ordinary service. Suspension disables an employee from entering the office or having access to records. In the instant case, the charge itself is that he failed to collect fare and issue ticket to one passenger. Firstly, it is a case of negligence than of any dishonesty or *mala fide* intention. Secondly, the enquiry pertaining to the framing of charges has already been completed as is evident from the issuance of charge sheet. Therefore, the question of the appellant being able to tamper with the record does not arise.

Though it is always in the discretion of the appointing authority to place an employee under suspension, what becomes important and relevant is, to maintain a decent balance between the extracting of work from the employee even while continuing the disciplinary proceedings on the one hand, and the payment of subsistence allowance without extracting any work and in the event of the proceedings being found not legal, burdening the organization with the arrears of full salary, on the other hand. Choosing of options would depend upon the gravity of the charge and no hard and fast rule can be laid in this regard.”

Learned Standing Counsel would place reliance upon the judgment reported in **Deputy Inspector General of Police, Kurnool Vs. R.S. Madhubabu, RSI, Kurnool**, has clearly pointed out as under:

“The fact remains that only when there are serious and grave allegations leveled against an employee and when the prospects of tampering with the record or tinkering with the evidence on record, question of considering the employee of the Corporation from being placed under suspension would first be explored. The Corporation does not resort to placing employees under suspension lightly and in a routine manner, only when serious and grave allegations are found against an employee and only when it was considered necessary to do so, the service of an employee will be placed under suspension pending enquiry.”

In the instant case, there was never a serious allegation made with regard to the conduct of the petitioner. Hence, according to the learned counsel for the petitioner, it is not a case warranting suspension of the petitioner. What facts and

circumstances have so far compelled the Corporation to place the employee under suspension cannot be reassessed by this Court. Therefore, it is appropriate for the petitioner to submit a representation to the Regional Manager of the Corporation bringing out the true and correct facts and the same may be viewed or considered by the Regional Manager and appropriate decision as to reinstate the petitioner or otherwise be taken and communicate to the petitioner.

At any rate, the enquiry that has been initiated against the petitioner shall be completed within a maximum period of one month from the date of receipt of a copy of this order. Subject to the petitioner extending necessary cooperation, the enquiry should be got completed within the stipulated period.

With this, the writ petition stands disposed of.

Consequently, miscellaneous petitions, if any pending in this petition, shall also stand closed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

27.04.2015

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