

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.13414 of 2015

ORDER:

The petitioner herein, who is working as a Conductor with the Andhra Pradesh State Road Transport Corporation (for short 'the Corporation') and attached to its Chittoor –II Depot, challenges the validity of the orders passed on 27-03-2015 by the Depot Manager placing him under suspension with immediate effect for his failure to undergo the breath analyzer test on 06-03-2015.

It appears that the petitioner was booked for duty at 8-15 hours on 06-03-2015 on Chittoor to Nellore Service. When the petitioner has reported to duty and received the Service Tray and the TIM Machine and then proceeded to the security branch, the Security Guard tested the bus driver for breath analyzer test and the driver was found not to be under the influence of alcoholic beverage. When the said security guard asked the conductor also to undergo the test, the petitioner has declined to undergo the same, returned to the Earning Section and then returned the Service Tray and the TIM Machine and urged that he would avail the weekly-off on 06-03-2015. Therefore, for his failure to undergo the breath analyzer test, the petitioner has been placed under suspension.

I do not find any justifiable reason to entertain this writ petition for, the Corporation, in its Conduct Rules, considered an employee, who has been booked for rendering service, if found to be under the influence of an alcoholic beverage, to have committed a grave act of misconduct. Therefore, the breath analyzer test will be conducted both for drivers and conductors. If the petitioner has declined to undergo such a test, an adverse inference is liable to be drawn against him. If an employee of the Corporation is found to be under the influence of an alcoholic beverage, it is very likely that his performance will get impaired. Therefore, the productivity of the Corporation would be dented. To avoid any such event, every employee is required to undergo breath analyzer test whenever asked for. Therefore, I do not find any illegality on the part of the Depot Manager in passing the impugned order warranting interference at my hands, but however, it is not merely enough to place an employee under suspension and forget about his existence. Every disciplinary action initiated for an alleged misconduct must be completed as

expeditiously as possible.

In these circumstances, the respondent Corporation will complete the enquiry within a maximum period of thirty days from the date of receipt of a copy of this order, following the procedure prescribed under the APSRTC Employees' (CCA) Regulations, 1963 duly providing a fair and reasonable opportunity to the petitioner to defend his case.

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

30.04.2015.