

HON'BLE MR JUSTICE R. KANTHA RAO

Writ Petition NO.17375 OF 2015

DATE:17.06.2015

BETWEEN:

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S. Gopal .. Petitioner

And

The Vice Chairman &M.D., APSRTC, Hyderabad and two others

.. Respondents

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition NO.17375 OF 2015

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to issue a writ of mandamus declaring the suspension Order No.02/114(5)2014-MPL-2, dated 30.10.2014 and vide impugned proceedings 01/114(5)/2014-MPL-2 vide order dated 15.05.2015 issued by the third respondent as illegal, arbitrary and violation of principles of natural justice and in violation of Articles 14 and 21 of the Constitution of India and to set aside the same and consequently to direct the respondents to continue the petitioner as driver in the respondents Corporation.

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

The petitioner has been working as driver in the respondents corporation. According to the respondents Corporation, during the course of check exercised by the officials, the petitioner was found under the influence of alcohol while on duty. But, the version of the petitioner is that he did not consume any alcohol and due to ill-health, he took some homeopathic medicine. However, the respondents without considering the said submission of the petitioner, kept him under suspension by order dated 30.10.2014. Questioning the same, the petitioner approached this Court by filing W.P. No.3313 of 2015 and the learned single Judge of this Court disposed of the said writ petition directing the respondents to consider the case of the petitioner by conducting enquiry within four weeks. Thereafter, the enquiry was proceeded with and now the Corporation has issued show cause notice proposing the punishment of removal from service. Aggrieved by the same, the present writ petition is filed.

Since the enquiry was conducted against the petitioner as per the directions of this Court and a show cause notice was issued proposing the punishment of removal from service, this Court is not inclined to interfere with the show cause notice in the present writ petition.

However, the writ petition is disposed of directing the respondents to consider the explanation submitted by the petitioner in a proper perspective and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order duly taking into consideration the medical report of the petitioner. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

R.KANTHA RAO,J

Date:17.06.2015

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THE HON'BLE SRI JUSTICE R.KANTHA RAO

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