

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

Writ Petition No.427 of 2015

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ORDER:

It is alleged against the petitioner, who was working as a Driver with the Andhra Pradesh State Road Transport Corporation (for short 'the Corporation'), that he was found carrying a small box unauthorizedly after collecting Rs.50/- for ferrying it. The checking officials have filed a check memo, after inspecting the said bus and finding the box contained therein.

Sri T.S.Venkata Ramana, learned counsel for the petitioner, would submit that when a stranger approached the petitioner to ferry certain medicines, which are emergently required for a patient at Tanuku in West Godavari District, out of compassion and humanitarian considerations, he has accepted the consignment, which is a very small box containing certain medicines. There is no material whatsoever for someone to make an allegation that the petitioner has collected a sum of Rs.50/- for ferrying these medicines. He therefore, contends that improperly the petitioner is now sought to be proceeded against as a measure of discipline while simultaneously placing him under suspension on 16.12.2014.

It is true that when the petitioner performed duties on 05.12.2014 in a service run between Vijayawada to Kakinada, possibly the petitioner out of compassion may have accepted a small box containing certain medicines meant for use by a patient at a different destination. That *per se* cannot be viewed with any disfavour. Carrying a small box comprising of 250 grams weight is not a serious misdemeanour. But however, the Checking Inspector has also levelled an allegation against the petitioner that he has collected Rs.50/- for the said purpose. That perhaps is a serious

element, which needs to be investigated at this stage. It would be hazardous sometimes to ferry consignments one way or the other.

Since the petitioner has already been placed under suspension more than a month back, it is only appropriate that the enquiry shall be completed within a maximum period of 30 days from the date of receipt of a copy of this order, provided the petitioner cooperates with conducting of such an enquiry. Its time, the Corporation would realise that placing an employee under suspension for not so serious or insignificant reasons is mostly unproductive affair, as no work can be extracted from him, while simultaneously subsistence allowance has to be paid to him by the Corporation. This apart, if the petitioner is not guilty of having accepted Rs.50/- as alleged in the charge memo, the action of the Corporation will be viewed with great disfavour by all sections of the society. It would result in payment of wages for the entire period.

The Corporation runs its operations for raising their revenue. The employees, particularly its drivers and conductors, will have to keep this motto in view while performing their duties. But at the same time out of compassion and humanitarian considerations, if they are seeking to ferry emergency medicines that act alone *per se* cannot be viewed as a gross misconduct. Therefore, the respondents are directed to finalise the enquiry as expeditiously as possible within a maximum period of 30 days from the date of receipt of a copy of this order. However, it shall also be open to the respondents to consider the reinstatement of the petitioner even in the meantime, if there is no concrete material that is forthcoming against the petitioner for the alleged act of collecting Rs.50/-.

The writ petition with this order stands disposed of, after hearing Sri S.V.Ramana, learned Standing Counsel for the

Corporation. There shall be no order as to costs.

The miscellaneous petitions filed in this writ petition shall also stand disposed of.

NOOTY RAMAMOHANA RAO, J.

Date:20.01.2015

GJ