

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.10546 of 2015

ORDER:

The petitioner herein, who was employed as a Driver and attached to Madanapalle Bus Depot of the Andhra Pradesh State Road Transport Corporation (henceforth referred to as 'the Corporation'), calls in question the correctness and legality of the orders passed on 19-03-2015 by the Depot Manager, firstly placing him under suspension and secondly, initiating necessary disciplinary action against him on the ground that he was found to be under the influence of an alcoholic beverage.

When tested at 06-06 AM on 14-03-2015, the petitioner was found to be under the influence of an alcoholic beverage. Therefore, he has been placed under suspension and disciplinary proceedings have also been initiated.

Learned counsel for the petitioner Ms. Rekha Kumari would strenuously submit that the petitioner has returned home on the previous day evening after completing his duty hours and if he has taken any relaxants, it does not mean that he is still under the influence of an alcoholic beverage. It was further contended that the Vice-Chairman & Managing Director of the Corporation himself has issued Circular Instructions on 22-09-2012 bringing out that if alcohol percentage exceeds 30 milligrams in 100 milligrams of blood, then only action should be taken, whereas the petitioner has been unjustly placed under suspension contrary to the aforementioned Circular Instructions.

Learned Standing Counsel for the Corporation has drawn my attention to Circular No.1/2015-LC, dated 06-04-2015 issued by the Vice- Chairman & Managing Director of the Corporation promptly rescinding the earlier Circular Instructions issued on 22-09-2012. This Circular No.1/2015-LC, dated 06-04-2015, was, in fact, issued in view of the Judgment rendered by this Court on 03-03-2015 in W.P.No.3100 of 2015. Hence, the reliance placed on the earlier Circular Instructions is of no avail to the petitioner.

The learned counsel for the petitioner is certainly justified in one aspect that it is not merely enough for disciplinary proceedings to be initiated against the

petitioner and not conducting the inquiry in quick time. If inquiry is undertaken, the petitioner will be in a position to offer his explanation as to the reasons why minute alcohol is present in his blood and he can also demonstrate as to how he was not under the influence of alcohol.

Therefore, it is appropriate that the respondent Corporation shall conclude the inquiry strictly in accordance with the APSRTC Employees' (CCA) Regulations, 1963 duly providing a fair and reasonable opportunity to the petitioner within a maximum period of two months from the date of receipt of a copy of this order, inasmuch as the petitioner is likely to attain the age of superannuation in a short while from now.

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

16.04.2015.