

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.1263 of 2015

ORDER:

The petitioner herein is a Conductor employed with the Andhra Pradesh State Road Transport Corporation. Disciplinary Proceedings have been initiated against him alleging certain cash and ticket irregularities committed by him. In consequence of those Proceedings, final orders dated 19-12-2014 have been passed by the Depot Manager, Jangareddygudem, West Godavari District, imposing on the petitioner the punishment of removal from service of the Corporation. That order is challenged in this writ petition.

Heard the learned counsel for the petitioner Sri S.D. Gowd and Sri S.V. Ramana, learned Standing Counsel for the respondent-Corporation.

The learned counsel for the petitioner would submit that even without putting the writ petitioner on notice of conducting an enquiry, an *ex parte* enquiry was conducted, thus, depriving him an opportunity to establish the truth behind the allegations. He also submits that all tickets were issued and the said fact can be verified from the entries contained in the Statistical Register, but however, without any regard for these facts, the order of removal has been passed.

Under Regulation 22 of the APSRTC Employees' (CCA) Regulations, 1963, an Appeal would lie against imposition of a major punishment. The petitioner has not availed any such remedy and instead, he straightaway approached this Court by instituting this writ petition. When there is an effective alternative remedy available, normally, such a remedy must be exhausted before the judicial review exercise can be called for in the matter. All factual controversies as and when raised before the Appellate Authority, the Appellate Authority will be able to address the same and consider them, but the factual controversies raised by the petitioner in this writ petition cannot

be satisfactorily resolved at this stage.

Therefore, preserving liberty to the petitioner to avail the appellate remedy, the writ petition is dismissed at the admission stage, inasmuch as the Depot Manager, Jangareddygudem is the competent authority to impose the major punishment of removal from service of a Conductor. No costs.

No part of this order shall be treated as reflecting upon the merits of the claim of the petitioner. It is for the Appellate Authority to consider the Appeal on merits, including the quantum of punishment imposed, whether it would meet the offence / misconduct alleged against the petitioner or not.

Consequently, the miscellaneous petitions, if any, stand disposed of.

**NOOTY RAMAMOHANA
RAO, J.**

mrk
28.01.2015.