

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.31548 of 2015

ORDER:

Heard Sri G. Rajesh, learned counsel appearing for the petitioner and Sri A. Ravi Babu, learned standing counsel for the respondent-Corporation.

2. The petitioner is the driver in the Corporation. While he was driving the Corporation bus on 11.12.2011, a motorcyclist, who came in a rash and negligent manner, met with the bus and sustained injuries. Thereafter, he succumbed to the said injuries while undergoing treatment. In respect of the said incident, a case in Cr.No.461 of 2011 was registered against the petitioner for the offences under Sections 377 and 304-A IPC. A charge sheet was also filed before the Court of I Additional Judicial Magistrate of I Class, Nizamabad. In the departmental enquiry conducted against the petitioner, the 3rd respondent, basing on the enquiry report, passed an order on 21.06.2012 imposing penalty of reduction of pay by two incremental stages for a period of two years which shall have its effect on his future increment and also treating the suspension period as not on duty for all purposes. Subsequently, criminal case i.e., CC No.97 of 2012 on the file of the I Additional Judicial Magistrate of I Class, Nizamabad was disposed of and the learned Magistrate acquitted the petitioner of the charges under Sections 337 and 304-A IPC.

3. It is submitted by the learned counsel appearing for the petitioner that since the petitioner was acquitted from the criminal case, on the very same facts and evidence, the punishment imposed on the petitioner in the departmental enquiry is liable to be set aside. The petitioner submitted a representation dated 05.11.2014 to the 2nd respondent seeking to set aside the punishment imposed on him and

the said representation is pending with the 2nd respondent.

4. Under these circumstances, the 2nd respondent is directed to consider the representation dated 05.11.2014 submitted by the petitioner and pass appropriate orders thereon, in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of. Miscellaneous petitions, if any, in this writ petition, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 30.09.2015
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Date: 30.09.2015

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