

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.32319 of 2015

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ORDER:

This writ petition is filed seeking a writ of *Mandamus* declaring the action of the 2nd respondent in not furnishing the relevant documents connected to the charge sheet and not acting upon the representation submitted by the petitioner dated 25.08.2015, as illegal and arbitrary.

2. Heard Sri S. Pradeep Kumar, learned counsel appearing for the petitioner and Sri B. Mayur Reddy, learned standing counsel for the respondent-Corporation.

3. The petitioner was appointed as a conductor on 16.06.2009 in the Corporation and his services were regularised with effect from 01.11.2011. On 26.01.2015, two passengers have boarded the bus at Guttagudem stage bound for Annapureddypalli along with a goat and the petitioner did not allow them to travel along with the goat. Meanwhile, another batch of two passengers have boarded the bus and when the petitioner was trying to issue tickets to the said two passengers, the Ticket Issuing Machine (TIM) was found not functioning. At that time, the Checking Officials also boarded the bus and ascertained the non-functioning of TIM and they themselves repaired the same and got issued the tickets to the two passengers. Thereafter, the Checking Officials issued a charge memo to the petitioner alleging that he did not issue tickets to the batch of two passengers due to the defect of the TIM and they asked him to submit explanation on the spot and accordingly, the petitioner submitted his explanation on the spot stating that due to non-functioning of TIM, he could not issue tickets to the batch of two passengers, but it was not intentional. Thereafter, the Checking Officials directed him to handover the SR and the explanation to the charge memo along with the cash to the concerned Assistant Depot Clerk (ADC), Sattupalli Depot and accordingly the petitioner handed over the material to the ADC as directed by the Checking Officials. It is

further submitted that another charge memo containing six charges, prepared in the absence of the petitioner, sent to the Depot after one week, was issued to the petitioner. The 2nd respondent pressurized the petitioner to take the 2nd charge memo duly sent by the Checking Officials, but he did not accept to receive the charge memo. The petitioner submitted a representation to the Depot Manager stating that he had already submitted his explanation dated 26.01.2015 to the charges levelled against him. Thereafter, the petitioner was kept under suspension and a charge sheet dated 18.02.2015 was issued to him directing to submit his explanation. On that, the petitioner filed WP No.12343 of 2015 before this court. The respondents filed counter-affidavit therein. In the meanwhile, the Depot Manager, Sattupalli nominated the 2nd respondent as Enquiry Officer to conduct enquiry on 25.08.2015. Then the petitioner submitted a representation on 25.08.2015 to the 2nd respondent to furnish relevant documents relating to the charges levelled against him. However, the 2nd respondent without furnishing vital documents proceeded with the enquiry.

4. Learned counsel appearing for the petitioner further submits that subsistence allowance for the months of July, August and September, 2015 has not been paid to the petitioner by the respondents.

5. Under these circumstances, the 2nd respondent is directed to furnish all the relevant documents relating to the charges to the petitioner and proceed with the enquiry and the respondents are further directed to pay the subsistence allowances for the months of July to October, 2015 and also continue to pay the same to the petitioner during the period of suspension.

6. The writ petition is accordingly disposed of at the state of admission. Miscellaneous petitions, if any, in this writ petition, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 09.10.2015

Note: Furnish CC in three days

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HON'BLE SRI JUSTICE R. KANTHA RAO

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Date: 09.10.2015

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