

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.789 of 2015

ORDER:

The petitioner, who was employed as a driver with the Andhra Pradesh State Road Transport Corporation (for short 'the Corporation'), has been placed under suspension pending enquiry into certain charges, on 14-11-2014. He was working as a driver with Depot at Rayachoty, YSR Kadapa District, State of Andhra Pradesh. On 13-01-2015, the Depot Manager, Rayachoty has passed an order imposing the punishment of stoppage of two annual grade increments, which will have the effect of postponing the future increments as well, apart from treating the period of suspension as 'not on duty' for all purposes. This part of the order of punishment of the Depot Manager is not put in issue by the petitioner for the present in this case and the reasons are very obvious. Against the imposition of any major punishment by the Depot Manager, an Appeal and thereafter, a Review to the next superior authorities of the Corporation are available. Those authorities can also examine the correctness and validity of the findings recorded against the petitioner. However, the Depot Manager has also imposed a further punishment of transferring the petitioner to another Depot. For that purpose, the petitioner was directed to approach the Personnel Officer of the Regional Manager's Office at Kadapa. The Regional Office of the Corporation at Kadapa, in turn, passed orders on 17-01-2015, posting the writ petitioner to Proddatur Depot. This is objected in this writ petition.

Heard Sri K. Lakshman, learned counsel for the petitioner and learned Standing Counsel for the respondent Corporation Sri A. Rama Rao.

It is contended that when once the order of suspension is lifted and the petitioner is reinstated, there is absolutely no necessity for him to be transferred to a far-off Depot, such as Proddatur from Rayachoty

Depot. This apart, the Corporation has also imposed the major punishment of stoppage of two annual grade increments with cumulative effect and a further punishment cannot be imposed.

I am not at all impressed with these submissions. The petitioner has been handed down a major punishment of deferment of increments with cumulative effect. He was also now shifted from Rayachoty Depot to Proddatur. One of the principles that would normally be followed, wherever an industry has multiple units, is to transfer an employee upon reinstatement from suspension to a far-off place for securing industrial peace and harmony and that cannot be characterized as an additional punishment. Therefore, I do not find any merit in this writ petition and it is accordingly, dismissed at the admission stage, but however, without costs.

Consequently, the miscellaneous petitions, if any, also stand dismissed.

It goes without saying that nothing that has been observed in this Order will come in the way of the writ petitioner approaching any of the superior authorities seeking appropriate relief, including the transfer and such authorities will independently and impartially consider the request of the petitioner.

**NOOTY RAMAMOHANA
RAO, J.**

mrk
23.01.2015.