

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.10380 of 2015

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ORDER:

The petitioner, who is employed as a Conductor with the respondent Andhra Pradesh State Road Transport Corporation (for short 'the Corporation') and attached to its Jangaon Bus Depot in Warangal District, sought for a writ of *mandamus* for declaring the action of the 3rd respondent, namely, the Depot Manager of the Corporation, Jangaon Depot, Warangal District, in preventing the petitioner from discharging his duty as Conductor with effect from 11-02-2015 without passing any orders of suspension or 'put off duty', as illegal, unjust and contrary to law.

The grievance of the petitioner is that the petitioner was employed with the respondent Corporation as Conductor upon his selection as such. He joined the service of the Corporation on 13-04-2009 and his services were also regularized with effect from 01-01-2011. It is the case of the petitioner that he has produced the Secondary School Certificate (SSC) issued to him by the Board of Secondary Education. But however, the Corporation has suspected that the certificate produced by him is a fake and bogus one and hence, the Depot Manager, Jangaon Depot, has issued a charge-sheet on 11-02-2015 stating that the petitioner has produced a fake and bogus Secondary School Certificate bearing Roll No.577445 with grand total of marks 441 out of 600 (405+36) and, thus, secured the employment. It is the claim of the petitioner that ever since 11-02-2015 highhandedly the Depot Manager is preventing him from performing duties as a Conductor. The Depot Manager has not passed any order placing the petitioner under suspension pending any such enquiry and even the representation submitted by the petitioner, soliciting certain documents to be made available to him, on 07-03-2015 has also been not responded by him. No salary or allowances are paid to him.

It was brought to my notice by Sri A.K. Jayaprakash, learned counsel for the petitioner, that on 16-03-2015 the petitioner has sent up two representations; one to the Regional Manager, APSRTC, Warangal Region; and the other, to the Deputy Chief Traffic Manager, APSRTC, Warangal Region, by registered post, bringing it to

their notice that the Depot Manager has been preventing him to discharge his duties as Conductor with effect from 11-02-2015. So far, there was no response to these representations from the said officials.

It is the prerogative of an employer to proceed against its employee, if he is not in suspension, when he has breached the code of discipline. Therefore, if the Corporation had some material to suspect that the petitioner has produced a fake educational certificate, it may, *prima facie*, be justified in initiating disciplinary action against him by drawing an appropriate charge. But however, without placing an employee under suspension or 'putting off duty' no Depot Manager can prevent an employee from discharging duties if one really reports to duty. Therefore, the ends of justice would be adequately met if I direct the Regional Manager of the Corporation, Warangal Region, to deal with the representations said to have been submitted by the petitioner on

16-03-2015 within a maximum period of ten days from the date of receipt of a copy of this order and communicate the decision taken thereon to the petitioner. Accordingly, a direction is given to the above effect.

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.

Note:

CC in two days.

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mrk

20.04.2015.