

***THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

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+W.P.NO.5567 OF 2015

% 17-03-2015

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Between:

A.Ramesh

..... Petitioner.

AND

The Depot Manager, APSRTC, Kakinada and others.

.....RESPONDENTS

For the Petitioner : Sri T.S.Venkata Ramana.

For the Respondents : Sri S.V. Ramana SC for APSRTC.

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? CITATIONS:

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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ORDER:

The petitioner, who was a driver employed with the Andhra Pradesh State Road Transport Corporation (henceforth referred to as 'the Corporation'), has challenged the orders passed by the Depot Manager, Kakinada dated 10-01-2015 placing him under suspension for having caused a fatal accident at about 9-10 hours on 26-12-2014 at ZPP Center, Kakinada, while performing the duties as a Driver of the vehicle bearing Registration No. AP 29 Z 2628.

Heard Sri T.S.Venkata Ramana, learned counsel for the petitioner and Sri S.V.Ramana, learned Standing Counsel for the respondent Corporation.

Sri T.S.Venkata Ramana would strenuously contend that the petitioner was performing the duties on 26-12-2014 and at about 9-10 hours, when the vehicle has reached ZPP Center, Kakinada, he had taken a right turn and duly observing the ongoing vehicular traffic, proceeded further to reach the Bus Depot at Kakinada. If the allegation thrown against the petitioner now is correct, the passengers in the bus and the petitioner would have come to know of the accident that was caused in which a female pedestrian died on the spot. Sri Ramana would further urge that no one, either in the bus or nearby, has raised any alarm against the petitioner for having caused the accident. On the other hand, with a view to fasten the liability for the fatal accident on to the Corporation, designedly, an allegation has been thrown as if the accident has been caused involving the Corporation bus and because the bus driven by the petitioner has passed by that junction a few minutes earlier, the allegation that the vehicle driven by the petitioner was involved in the accident, has been trumped up. The learned counsel for the petitioner would further contend that if an accident is caused, the bus would have been stopped immediately. Further, if a bus is taking a right turn, it would not be taking such a right turn without first of all slowing it down and consequently, observing the traffic on the opposite side of the road and also look for the traffic that will follow the bus, which is taking a right turn. Therefore, the question of involving the bus driven by the petitioner in such an

accident is so remote and unrealistic. Perhaps, some other motor vehicle may have caused the accident. The charge is frame up, so that the compensation can be claimed by the dependents of the victim against the Corporation, otherwise, for a hit-and-run case, at best, a sum of Rs.50,000/- alone will be paid by the District Collector.

The learned counsel for the petitioner also pointed out that if an accident is caused involving the bus driven by the petitioner, every attempt would have been made by the other road-users to stop the vehicle and there would have been a huge commotion because the bus passed by that junction at about 9-10 hours in the morning, at which hour there would have been several other road-users available. This apart, even if the petitioner had failed to notice that the accident has been caused by the vehicle driven by him, the passengers in the bus would have surely noticed and would have raised an alarm as well.

Per contra, Sri S.V.Ramana, the learned Standing Counsel, would submit that almost immediately the local police have come to the Depot and it is the local police, who have brought to the notice of the Depot Manager about the accident involving the bus of the Corporation. The Corporation's officers, till then are not in the know of the accident. Then a Joint Accident Inquiry Committee, comprising of the Depot Manager, Kakinada and the Depot Manager, Ramachandrapuram, has been constituted. In the meantime, the petitioner has been sent word to come back to the Depot and along with him, the accident spot has also been inspected. Since, there was some *prima facie* material to consider the involvement of the bus of the Corporation driven by the petitioner in the accident, the impugned order came to be passed.

There is no gainsaying that if a fatal accident involving the bus of the Corporation is caused, then, the driver of such a bus can be proceeded against as a measure of discipline. Every accident and in particular, those which are fatal accidents, have got to be investigated thoroughly by the Corporation. If any of its employees are at fault, they deserve to be inflicted with necessary punishment. On the other hand, if the employees of the Corporation are not at fault, they are not required to be proceeded against at all. Though the circumstances urged by Sri Ramana, learned counsel for the petitioner, cannot be brushed aside lightly, the Corporation is duty-bound to conduct a detailed Inquiry. I was also wondering whether the Corporation had immediately undertaken any inspection of the bus for

ascertaining the availability of any traces of the accident. As alleged in the complaint, if it is true that the rear right-side wheel has gone over the head of the victim and consequently, she has suffered a crush injury, resulting in her instantaneous death, the rear right-side wheel of the vehicle would have had some kind of traces there, such as, human blood marks or strands of hair of the victim, etcetera.

Placing an employee under suspension pending enquiry is a step-in-aid to conduct a fair and impartial inquiry. So long as the Regulations of the Corporation provide for such a measure, the scope of judicial review of such an administrative order becomes confined to a very narrow area and when an allegation has been thrown against a Driver that he has negligently caused a fatal accident, it would not be appropriate for this Court to review an order of suspension.

Therefore, let a proper and careful inquiry be conducted by the respondents and every effort must be made to contact those who have traveled by the bus driven by the petitioner and ascertain from them as to whether any such accident has been caused involving the bus or the allegation has just come about because the bus is one of those vehicles, which has passed through that particular traffic island just at about that time the accident has come to be noticed. I hope and trust that no efforts will be spared while conducting this inquiry by the Corporation, inasmuch as, these findings will have a definite and direct bearing upon the claim for compensation on behalf of the victim. The inquiry will be conducted as expeditiously as possible preferably within a maximum period of three months from the date of receipt of a copy of this order and appropriate final orders will be passed in the matter.

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:

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17.03.2015.