

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

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For the State of Telangana and the State of Andhra Pradesh

WP NO. 21478 of 2015

Between

S.V.Avatharam

.. Petitioner(s)

And

The Depot Manager, APSRTC, Eleshwaram, E.G.District A.P. and others.

.. Respondent(s)

DATE OF JUDGMENT PRONOUNCED: 28.7.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE R. KANTHA RAO

1. Whether Reporters of Local news papers Yes/No
may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals

3. Whether Their Ladyship/Lordship wish to Yes/No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE R. KANTHA RAO

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Order :

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

The petitioner has been appointed as Conductor in the year 1997 in the respondent-Corporation. While he was conducting the bus as duty conductor on 18.5.2015, a check was exercised at stage no.3 of Gontuvanipalem. A charge memo was issued to the petitioner on the allegation that out of three passengers who boarded the bus at a particular stage, tickets were issued only to two passengers and no ticket was issued to the 3rd passenger eventhough they paid Rs.30/- for three tickets. The petitioner denied the charges orally and informed the checking officials that he collected only Rs.20/- but not Rs.30/- and he did not see the 3rd passenger who was sitting in front seat.

Learned counsel appearing for the petitioner submitted that eventhough the petitioner has not committed any irregularity he was suspended illegally and therefore the order of suspension shall be revoked. It is also submitted by the learned counsel that the petitioner will cooperate with the department in conducting the enquiry and therefore order of suspension may be revoked.

Since the matter requires appreciation of evidence and the impugned order was passed pending enquiry, this Court is not inclined to go into the merits of the case. Learned counsel for the petitioner, however, submitted that the petitioner apprehends that the Corporation may not examine the passenger-

witnesses during the course of enquiry.

In the circumstances, the writ petition is disposed of directing the respondents to complete the enquiry by permitting the petitioner to examine the passengers as witnesses in the enquiry in the event the department does not propose to examine them and pass appropriate final orders within a period of eight weeks from today. If the enquiry is not completed within the said period of eight weeks from today, the order of suspension shall stand revoked. No order as to costs. The Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

JUSTICE R.KANTHA RAO

Date:28.07.2015

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