

HON'BLE SRI JUSTICE R.KANTHA RAO

W.P.No.26957 of 2015

ORDER:

Heard learned counsel on either side.

This writ petition is filed seeking to declare the action of the respondents in imposing the punishment of deferment of annual increment with cumulative effect against the petitioner and treating the suspension period as 'not on duty' *vide* proceedings dated 18.06.2012 by the 3rd respondent, as arbitrary and illegal.

The petitioner was appointed as Driver in 1998 in the respondent-Corporation. On 01.12.2012, while the petitioner was performing duties on Hyderabad to Mancheri route at about 2.15 hours, the bus collided with an auto. In the said accident, the driver of the auto received grievous injuries and died on the spot. Departmental enquiry was held against the petitioner for the charge of causing death of auto driver by rash and negligent driving. After conducting enquiry, punishment of deferment of annual increment for a period of one year with cumulative effect was imposed and the suspension period from 20.02.2012 to 13.06.2012 was treated as 'not on duty' for all purposes. Subsequently, on the

same set of facts, the petitioner was tried for the offence punishable under Section 304-A IPC by the Judicial Magistrate of First Class, Special Mobile Court, Medak, vide C.C.No.131 of 2012. Learned Magistrate found the petitioner not guilty of the offence punishable under Section 304-A IPC and acquitted him of the said offence.

Learned counsel appearing for the petitioner submits that when the punishment was imposed by the disciplinary authority against the petitioner, the criminal case was pending and therefore, the petitioner could not produce the judgment of the criminal Court either in the course of enquiry or before the disciplinary authority.

According to the learned counsel, since the petitioner was acquitted of the same charge, based on the very same set of facts, the order passed by the disciplinary authority in the departmental enquiry requires to be reviewed. The petitioner made a representation dated 3.6.2015 to review the punishment in the light of the judgment of the criminal Court and the same is pending before the 2nd respondent.

Therefore, the Writ Petition is disposed of directing the 2nd respondent to consider the

representation dated 3.6.2015 submitted by the petitioner and pass appropriate orders, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous Petitions, if any, pending in this writ petition stand closed.

JUSTICE R.KANTHA RAO

2nd September, 2015
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