

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.32625 of 2015

ORDER:

Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the respondent-Corporation.

This writ petition is filed seeking to declare the suspension order dated 24.09.2015 passed by the 2nd respondent as arbitrary and illegal.

The petitioner was appointed as Driver in the respondent-Corporation. He was operating one man service from Warangal to Hyderabad on 16.09.2015 and it started from Hanamkonda at 1.40 a.m. The tickets will be issued by the Conductor at the boarding point in the depot itself and he is not concerned with issuance of tickets and verifying the passengers.

It is the case of the petitioner that the Conductor at Hanamkonda issued eight tickets and handed over the way bill to the petitioner. One passenger, who is a Doctor, without taking ticket and without his knowledge went inside the bus and was sleeping in the last seat of the bus and on account of roof lights being dim, he could not identify the said passenger. While so, check was conducted at Uppal and the checking officials found the passenger in question who was travelling in the bus without ticket and the said passenger confessed that he being a Doctor, did not purchase a ticket and was travelling from Hanamkonda to Hyderabad. He tendered the fare of Rs.157/- and also paid fine amount of Rs.200/- imposed by the checking officials.

It is the version of the petitioner that he was not negligent or guilty of any misconduct and he was unnecessarily kept under suspension.

Learned counsel appearing for the petitioner submits that obviously, this is not a case of misappropriation and in view of the fact that the passenger confessed that he did not purchase the ticket and paid the fare amount as well as fine, keeping the petitioner under suspension is unwarranted and it amounts to victimization.

On the other hand, learned Standing Counsel for the respondent-Corporation would contend that a charge of neglect of duties was attributed to the petitioner and the authority, who passed the order of suspension, has jurisdiction to pass the said order and therefore, as per the settled principles of law, the order of suspension does not require any interference.

Normally, this Court will not interfere with the order of suspension pending enquiry. In the instant case also, the order relates to suspension, which was passed pending enquiry. However, in exceptional cases, the Court can examine the issue as to whether the order of suspension is warranted in a given case or not. The object of keeping an employee under suspension is with a view to allow the enquiry to go on smoothly and also in public interest. In the instant case, the entire fare was collected and the passenger paid the fine amount confessing the factum of not purchasing the ticket before boarding the bus. Further, in the instant case, the question of the petitioner interfering with the process of enquiry does not arise as there was no allegation of misappropriation on his part. Even as per the charge framed against him, he ought not to have been suspension.

Thus, having regard to the facts and circumstances of the case, having due regard to the charge leveled against the

petitioner and in the light of the statement given by the passenger admitting his guilt, I am of the view that the suspension is unwarranted. The suspension though not a punishment, it certainly puts a stigma on the career of the petitioner. Therefore, the order of suspension dated 24.09.2015 is revoked. However, the appropriate authority may proceed with the enquiry against the petitioner and pass appropriate orders in accordance with law.

Writ Petition is allowed accordingly. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE R. KANTHA RAO

7th October, 2015

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