

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

FRIDAY, THE EIGHTEENTH DAY OF DECEMBER TWO
THOUSAND AND FIFTEEN

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.41114 of 2015

Between:

M.V. Chalapathi,
S/o. M. Subbaiah,
Aged about 53 years, Occ: Conductor,
E.No.411092, R/o. 9/87, Nagireddipalle,
Nandalur Mandal, Kadapa District.

.. Petitioner

AND

The Andhra Pradesh State Road Transport Corporation,
(APSRTC), Rep. by its Managing Director,
Bus Bhavan, Musheerabad, Hyderabad & another

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner is a Conductor in the respondent Corporation. The petitioner is aggrieved by the order of suspension from service, dated 05.12.2015.

2. Heard learned counsel for the petitioner and Sri A. Rama Rao, learned Standing Counsel for the respondents.

3. The petitioner was the Conductor of Vehicle bearing No.AP 04W 4239 (H.B) of Rajampet Depot. When the bus was going on the route Rajampet – Kadapa, a passenger in the bus fell down and met with a head injury and succumbed to the injuries and died while shifting him to hospital. The disciplinary authority alleges that the said incident occurred due to the negligence of the Conductor as he did not close the door before the bus started and did not inform the driver to stop the bus at a place called 'Mantapampalli' for alighting of passengers and that resulted in the passenger falling from the bus and succumbing to injuries.

4. Learned counsel for the petitioner submits that the Conductor cannot be held responsible, if the passenger himself jumps out of the bus and if the passenger was in a drunken condition and a false allegation is made. Learned counsel for the petitioner sought to place reliance on subsequent evidence, relying on the statement of the co-passenger of the vehicle and the statement of driver in support of

his contention that the petitioner is not responsible for the incident.

5. Whether the petitioner is responsible for the incident or the incident occurred due to the negligence of the passenger is subject of domestic enquiry.

6. As seen from the record, on the same day on which the petitioner was placed under suspension, charge sheet was issued levelling allegations against the petitioner and the enquiry is in progress. Therefore, at this stage, the Court cannot go into the merits of the case.

7. As seen from the order impugned, the decision to place the petitioner under suspension was taken based on the report, dated 25.11.2015. Thus, it cannot be said that decision was taken by the disciplinary authority without application of mind and in an arbitrary manner. It is not the case of the petitioner that the Depot Manager is not competent to place the petitioner under suspension.

8. Having regard to the same, I do not see any error in placing the petitioner under suspension warranting interference by this Court. However, since the petitioner has already filed his explanation and the only issue for consideration is whether due to the negligence of the petitioner the incident occurred, the enquiry shall be completed, as expeditiously as possible, preferably within a period of four (4) weeks from the date of receipt of copy of this order. If, for any reason, the enquiry is not completed within the time prescribed, the petitioner shall be restored to service.

8. Learned counsel for the petitioner submits that simultaneously an amount of Rs.29,748.80/- was recovered from the petitioner on the ground that excess Earned Leave was drawn. This is an independent matter. However, without driving the petitioner to

litigate on the issue, the competent authority shall consider the reasons for such recovery and if there is an error committed in recovery, the same should be remitted back to the petitioner's Account. If there is justification for such recovery, the same should be informed to the petitioner by reasoned order.

9. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 18th December, 2015

Note: Issue C.C. by 21.12.2015.

(B/o.)

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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