

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.32888 of 2015

-

Dated 29.10.2015

-

Between:

V.Madhavi Latha

... Petitioner

and

-

The TSRTC

rep. by its Joint Managing Director

Hyderabad and another.

...Respondents

Counsel for the petitioner: Mr.P.Sridhar Rao

Counsel for the respondents: Mr.A.Ravi Babu, SC for TSRTC

The Court made the following:

Order :

This Writ Petition is filed for a Mandamus to set aside proceeding No.02/114(09)/2015-HZB, dated 21-09-2015, of respondent No.2, whereby the petitioner has been placed under suspension.

The petitioner is a conductor at Huzurabad Bus Depot. On 14-08-2015, one M.N.Reddy, OD Point Controller at the said Depot, has given a written complaint that the petitioner has misbehaved with him by using vulgar language in the presence of about 150 persons, when she was questioned as to why she has not reported the trips in spite of specific instructions issued by the superior authorities. A preliminary enquiry into the said complaint was ordered by respondent No.2- Depot Manager. Based on the preliminary enquiry report, respondent No.2 has passed the impugned order of suspension. Feeling aggrieved by this order, the petitioner filed this Writ Petition.

In pursuance of the notice issued by this Court, the Law Officer of respondent No.1- Corporation has filed a counter-affidavit wherein he has *inter alia* stated that the petitioner was initially appointed on daily wage basis on 14-05-1998; that she was posted at Huzurabad Depot on 17-05-1998; that her services were regularized on 01-08-2000; that a report was lodged by M.N.Reddy, working as OD Point Controller; that a counter complaint was lodged by the petitioner against the said employee and two other employees *viz.*, T.S.Singh and D.V.Swamy; that respondent No.2 has nominated the Deputy Superintendent (P) as the Enquiry Officer to conduct the preliminary enquiry; that a preliminary enquiry was, accordingly, conducted and an enquiry report was submitted by the preliminary enquiry officer on 31-08-2015; and that based on the preliminary enquiry report, the petitioner has been placed under suspension. It is further stated that a

chargesheet was issued to the petitioner; that despite acknowledging its receipt, the petitioner has failed to submit her explanation; and that a domestic enquiry has been ordered into the charges by nominating the Assistant Manager (T)/Enquiry/RM's Office, Karimnagar as the Enquiry Officer. Referring to the averment of the petitioner that she has a clean record, the counter-affidavit stated that the petitioner was censured for cash and ticket irregularities four times; that her annual increment was deferred in connection with the said irregularities four times and that she was placed under suspension once.

The learned Counsel for the petitioner has strenuously contended that the complaint lodged against the petitioner is false and that based on such complaint, the petitioner ought not to have been placed under suspension.

It is trite that an order of suspension cannot be perceived as that of a punishment. An employee is suspended pending enquiry into the charges in order to ensure fair and proper enquiry and also to maintain discipline. Before the petitioner was placed under suspension, respondent No.2 has got a preliminary enquiry conducted and based on the preliminary enquiry report, which *prima facie* found merit in the complaint made against the petitioner, she has been placed under suspension. Therefore, I do not find any merit in the submission of the learned Counsel for the petitioner that the complaint is frivolous in nature. If the allegations made in the complaint against the petitioner are proved, the same constitute a serious misconduct on her part. Therefore, the order of suspension made by respondent No.2 is not liable for interference by this Court at this stage. Since the charge sheet is already stated to have been issued, it is appropriate that the disciplinary proceedings are completed and a final order is passed within two months from the date of receipt of

this order. The petitioner is permitted to file her explanation within two weeks from today, failing which the disciplinary authorities shall be free to proceed with the enquiry and pass a final order based on the evidence that may be recorded during the enquiry.

Subject to the above directions, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.42443 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 29th October, 2015

LUR