

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION Nos.22381 and 22386 of 2016

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COMMON ORDER:

These two Writ Petitions are being disposed of by this common order as they are connected and arise out of the same cause of action.

The petitioner in W.P.No.22381 of 2016 is working as a Coach Builder, whereas the petitioner in W.P.No.22386 of 2016 is working as a Mechanic. It was alleged that both of them quarreled and assaulted each other at 17.15 hours on 31.05.2016 while on duty. A preliminary enquiry was conducted by the Assistant Manager (Traffic), Narsampet, and on the basis of the same, the petitioners were kept under suspension pending enquiry by orders dated 08.06.2016. Challenging the same, the present Writ Petitions are filed.

Strangely, both the petitioners engaged the same Counsel and submitted before this Court that they are friends and no quarrel took place on that day. Be that as it may, since the employer wanted to conduct an enquiry on the basis of the preliminary enquiry report submitted by the Assistant Manager (Traffic), Narsampet, this Court is not inclined to interfere with the enquiry process. But, the incident which was alleged to have happened on 31.05.2016 does not warrant suspension of the petitioners, as there is no likelihood of tampering with the evidence or influencing the witnesses. In every case there need not be suspension of the employee.

In the circumstances, this Court is inclined to set aside the impugned orders of suspension dated 08.06.2016, but giving liberty to the respondents to conduct the enquiry with regard to the alleged incident that occurred on 31.05.2016 pursuant to the preliminary enquiry report and proceed with the same in accordance with law. It is needless to observe that the petitioners shall cooperate with the conduct of

enquiry.

The Writ Petitions are, accordingly, allowed to the extent indicated above. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

12.07.2016

vs