

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.11448 of 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue writ of Mandamus to declare the action of the 3rd Respondent in suspending the petitioner through proceedings No.P2/95(02)/16- KMR dt:15-03-2016 is illegal, arbitrary, contrary to the evidence on record and APRTC (CC&A) Regulations and as well violation of Fundamental Rights guaranteed under the constitution of India and set-a-side the same and consequently direct the respondents to continue the petitioner in to service as conductor.”

Heard Sri A. Jagan, learned counsel, appearing for the petitioner and Sri N. Vasudeva Reddy, learned Standing Counsel, appearing for the respondents.

The petitioner herein is a Conductor in the respondent Road Transport Corporation. By virtue of the impugned order the Depot Manager, Kamareddy, placed the petitioner under suspension pending enquiry. It is also clear from the material available on record that the Depot Manager, Kamareddy also issued a charge sheet vide proceedings No.P2/95(02)/16-KMR, dated 15-03-2016, framing the following charges:

“1. For having issued ticket bearing No.TNA97925 worth of Rs.20/- to the batch of three passengers (two full and one half) who boarded at Masaipet and bound for Nizamabad duly collecting Rs.270/- at boarding point itself while conducting 08.00 hrs JBS- NZB Express service on 06.03.2016 with Bus No.AP29Z 0189 which constitutes serious misconduct in terms of Regulation

No.28 (xxv) of APSRTC Employees (Conduct) Regulations, 1963.

2. For having issued a ticket bearing No.TNA97936 worth of Rs.203/- on seeing of TTI's boarding into your Bus No.AP29Z 0189 for checking which is sighting punch ticket while performing 08.00 hrs JBS – NZB Express service on 06.03.2016 which constitutes serious mis-conduct in terms of Regulation No.28 (ix)(a) & (x) of APSRTC Employees (Conduct) Regulations, 1963.

3. For having tried to snatch the ticket bearing No.TNA97925 worth of Rs.20/- forcibly from the TTI's and torn the ticket by creating nuisance among traveling passengers while conducting 08.00 hrs JBS – NZB Express service on 06.03.2016 with Bus No.AP29Z 0189 which constitutes mis-conduct in terms of Regulation No.28 (xvii), (xviii) & (xxxii) of APSRTC Employees (Conduct) Regulations, 1963.”

According to the petitioner herein, the order of suspension is highly illegal, arbitrary and un-reasonable and violative of Article 14 of the Constitution of India. It is further submitted by learned counsel for the petitioner that in the facts and circumstances of the case the order of suspension is highly un-warranted.

On the contrary, it is submitted by learned Standing Counsel for respondents that there is no illegality nor there exists any infirmity in the impugned action and the petitioner herein is not entitled to have the indulgence of this Court as the Depot Manager already issued a charge sheet and the enquiry is pending.

Having regard to the nature of controversy and allegations contained in the charge sheet, at this stage this Court is not

inclined to scuttle the further enquiry. However, this Court is of the considered opinion that the ends of justice would be served if the 3rd respondent is directed to complete the enquiry pursuant to the charge sheet, dated 15-03-2016 by fixing some timeframe.

For the aforesaid reasons, Writ Petition is disposed of, directing the 3rd respondent – Depot Manager to complete the enquiry pursuant to the charge sheet, dated 15-03-2016, within a period of two (2) months from the date of receipt of a copy of this order.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SETHA SAI, J

April 19, 2016

Pn

THE HON'BLE SRI JUSTICE A.V. SETHA SAI

-
-
-
-
-
-

-

-

WRIT PETITION No.11448 of 2016

-

April 19, 2016

Pn