

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

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WRIT PETITION No.497 of 2010

Between:

Mr. Sk. Gore Saheb

....Petitioner

and

The Andhra Pradesh State Road Transport Corporation,
Guntur Region, Rep.by its Regional Manager,
Guntur,
And others.

....Respondents

JUDGMENT PRONOUNCED ON : 23.03.2016

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to : No
see the fair copy of the Judgment?

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.497 of 2010

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ORDER:

The petitioner joined the service of the respondent Corporation as a driver on 10.07.1997. His services were regularized with effect from 01.01.1998. A charge sheet was issued with three charges for his insubordination on 15.02.2001 while the checking officers were checking the bus bearing No.AP 10Z 4762 of Bapatla Depot. The respondents having not satisfied with the reply, appointed an Enquiry Officer, who

recorded the statements of the conductor and passengers and submitted a report on 23.06.2001 holding that the charges were proved. Another opportunity was given to the petitioner to submit his explanation and on the findings recorded by the Enquiry Officer. The petitioner submitted his explanation on 18.02.2002. The third respondent passed an order on 13.03.2002 withholding the annual increment for a period of two years with cumulative effect and treating the period of suspension as not on duty. The petitioner preferred an appeal against the said order to the second respondent, who rejected the same by order dated 21.07.2004. Challenging the order of the second respondent, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that the petitioner was working as a driver and he has nothing to do with the checking officers. The findings recorded by the Enquiry Officer were perverse.

Learned Standing Counsel for the respondents, on the other hand, submits that the punishment was imposed on the petitioner on 13.03.2002 and he filed the appeal, which was disposed of on 21.07.2004. But, the petitioner filed the present Writ Petition after delay of six years. He relied on a Full Bench decision of this Court in

P.V.Narayana v. APSRTC, Hyderabad^[1].

The charges against the petitioner read as follows:

“Charge No.1: For having failed to co-operate with the checking Inspectors to perform their work while you were operating the service No.AP10Z4762 or route Chirala-Repalle on 15.2.2002 which constitute mis-conduct under Regulation 28 (xvii) of APSRTC Employees (Conduct) Reg 1963.

Charge No.2: For having got down the Bus No.AP10Z-4702 without the permission of the Checking Officials while they were exercising the check at stage No.9 (Chandolu) and provoked the alighted passengers against the checking officials on 15.2.2001 while you were operating the bus AP10Z-4762 on the route Chirala-Repalle which constitute mis-conduct Regulation 28(viii) of APSRTC Employees (Conduct) Reg.1963.

Charge No.3: For having colluded with the service Conductor and passengers and get forced the checking officials not to discharge their duties and instigated them to got down from the bus by closing the checking duty at the intermediate stage without issuing charge memo to the conductor and also instigated the Conductor not to sign on the charge memo and also refused to give your own statement regarding the incident while operating the said service on 15.2.2001 which constitutes mis-conduct under Regulation 28(xviii) of APSRTC Employees (Conduct) Regulations 1963.”

The enquiry was conducted and a due opportunity was given to the petitioner. On the basis of the report of the Enquiry Officer, the punishment of withholding two increments with cumulative effect was passed on 13.03.2002. The petitioner preferred the appeal and the same was disposed of on 21.07.2004 with the following observations:

“Examined the case in detail. It was true that the appellant was not cooperated with the TTIs during the course of their checking of bus. He provoked the passenger against them which was very serious in nature.

Examined the appeal. There were no valid points for worth consideration.

As such, the final order given by the Depot Manager, Bapatla is just and proper and there is no necessity to interfere in this case by the undersigned.

Hence, the appeal preferred by the above named employees is therefore hereby rejected.”

This Court finds that the appellate authority has not properly applied his mind to the facts of the case. In view of the non-application of mind by the appellate authority, the delay in filing the present Writ Petition is condoned and the matter is remanded to the second respondent for consideration of the appeal preferred by the petitioner in accordance with law and for passing a reasoned order within a period of three months from the date of receipt of a copy of this order. The punishment on the petitioner would abide by the orders of the second respondent.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

23.03.2016
VS

[\[1\]](#) 2013 (4) ALD 386 (FB)