

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.23201 of 2016

ORDER:

The petitioner was appointed as casual driver after selection by the Selection Committee and his services were regularized on 01.08.1996. He was on leave for his daughter's and son's marriage with effect from 29.03.2016. While so, he was issued a charge sheet on 05.04.2016 alleging that he assaulted a duty Controller of Vinukonda bus station in a drunken condition during handing over charge to one Sri J.Paramaiah at control point at about 21.30 hrs on 28.03.2016 and abused the on duty Controller using unparliamentary language. He was kept under suspension on 05.04.2016. He submitted his explanation to the charge sheet explaining the circumstances and denying the allegations. However, an enquiry was ordered by canceling the leave. The petitioner states that the said incident was alleged to have occurred when he was extending the invitation to the on duty Controller since he was his earlier colleague and friend. He further states that while extending the invitation he put his hands on the shoulders of the Controller, but the said on duty Controller turned back and stated that "have you become such a big person to touch my shoulders?" and assaulted him. However, the enquiry was ordered and a report was submitted. The second respondent issued the impugned order of show cause notice for removal from service on 16.06.2016. Challenging the same, the present Writ Petition is filed.

The petitioner already submitted his objections to the report of the Enquiry Officer. Since this Court does not normally interfere with the discretion of the disciplinary authority, this Court is not inclined to interfere with the case at this stage. But, the learned Counsel for the petitioner submits that the alleged incident is trivial and the show cause notice proposing to remove the petitioner from service is a drastic step, which is disproportionate to the alleged misconduct. This Court is of the *prima facie* view that the submission of the learned Counsel for the petitioner is genuine.

In the circumstances, though a show cause notice for removal from

service was issued by the second respondent, this Court hopes that the second respondent would take into consideration the nature of the misconduct, the enquiry report and the explanation submitted by the petitioner while imposing the punishment, which need not necessarily result in removal from service.

With the above observations, this Writ Petition is disposed of directing the second respondent to take the overall circumstances into consideration and pass appropriate orders in accordance with law. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

15.07.2016
vs