

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

W.P.NO.5423 OF 2016

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ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the order of suspension of the petitioner from the service and the charge-sheet issued vide proceedings No.01/114(01)/2016-NRML, dated 04-02-2016.

Heard Sri K.Srinivas Rao, learned counsel for the petitioner and Sri A.Ravi Babu, learned Standing Counsel for the Respondent-Corporation.

According to the petitioner, he was appointed as Conductor in the Respondent-Corporation in the year 1989 and his services were regularized in the year 1990. The Depot Manager, Nirmal – 3rd Respondent herein by proceedings No.01/114(01)/2016-NRML, dated 04-02-2016 placed the petitioner under suspension. The 3rd Respondent also issued a charge-sheet by proceedings No.01/114(01)/2016-NRML, dated 04-02-2016 framing the following charge :

“It is alleged and reported by Sri M.Vishwanath AM(T) of Nirmal depot that Sri A.V.R.Gupta E.310220 Conductor of Nirmal depot has mis-behaved with Sri N.Yacob E.307108 AM(T) of Nirmal depot duly using filthy words, using unparliamentary and Vulgar language at about 16.30 hours on 06.01.2016 in the presence of Smt.Janabai DS(T), Sri D.Rajmohan ADC and Sri M.Bhaskar ADC, while he was on duty in Traffic section which resulted the image of the corporation is tarnished, which act of yours constitutes serious mis-conduct in terms of Regulations No.28(viii) and (xxi) of APSRTC (Conduct) Reg. 1963.”

Assailing the validity and legal sustainability of the aforesaid impugned suspension and charge-sheet issued by the Depot Manager – 3rd Respondent, the present Writ Petition came to be filed.

It is submitted by the learned counsel for the petitioner that in the facts and circumstances of the case, the impugned action is unwarranted, highly illegal and arbitrary and opposed to the very spirit and object of the regulations. It is also submitted by the learned counsel that the person, on whose complaint the 3rd Respondent resorted to initiate action, issued a compromise letter and in view of the same, further action pursuant to the impugned proceedings is impermissible.

On the contrary, learned Standing Counsel for the Respondent-Corporation submits that in view of the nature of allegations as set out in the charge-sheet, the petitioner herein is not entitled for any indulgence of this Court under Article 226 of the Constitution of India.

The material available on record manifestly discloses that the petitioner herein, in response to the charge-sheet, did not file any explanation and directly approached this Court by way of filing the writ petition. The compromise letter said to have been issued by the complainant can be placed by the petitioner before the Enquiry Officer during the course of enquiry. The veracity of the contents of the said letter cannot be gone into in the present writ petition under Article 226 of the Constitution of India. Therefore, having regard to the nature of controversy, this Court is of the opinion that ends of justice would be met if a direction is issued to the respondents to conclude the enquiry as expeditiously as possible. It is also open for the petitioner herein to file explanation

in response to the charge-sheet and the allegations contained therein.

For the aforesaid reasons, the Writ Petition is disposed of directing the respondents herein to conclude the enquiry as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order, subject to the cooperation by the petitioner. It is also made clear that it is open for the petitioner to submit explanation within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Pending miscellaneous petitions in this writ petition, if any, shall stand dismissed in consequence.

A.V.SESHA SAI, J

26.02.2016
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