

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE DR.JUSTICE B.SIVA SANKARA RAO

WRIT APPEAL NO.188 OF 2016

JUDGMENT: *(Per Hon'ble Sri Justice Nooty Ramamohana Rao)*

This writ appeal is directed against the judgment rendered by the learned single Judge disposing of the writ petition instituted by the appellant herein with a direction to the respondent – Management of Telangana State Road Transport Corporation to conclude the disciplinary proceedings within a period of eight (8) weeks.

The controversy lies in a very narrow compass. The writ petitioner – appellant was employed as a conductor with the 1st respondent – Corporation. While he was conducting a bus on 07.01.2016, the same was subjected to a check at about 23.10 hours near Bibinagar check post. The inspection revealed that there are '56' passengers travelling in the bus as per the terms of special hire of the service. However, there are '5' other passengers who are travelling in the same bus, but the petitioner has not collected any money from them nor did he issue tickets to those '5' passengers, as is evident from the charge memo, which is exhibited at page No.16 of the writ appeal paper book. The explanation of the petitioner – appellant is that the Management of Telangana Model School, Chowdaram, Jangaon Mandal, Warangal District has approached the 1st respondent – Corporation for hiring one of its buses and hence a special hire service has been booked by the Corporation. The petitioner was conducting the said service. According to the petitioner, the names of the students pursuing 6th, 7th and 8th classes in the said school, totalling to '56' was furnished. As the school children are taken out on a picnic trip, the Principal of the school, 2 Post Graduate teachers and 2 Trained Graduate teachers also accompanied them in the bus. According to the checking officials, these '5' individuals are found to be unauthorised

passengers travelling in the bus. Whereas the petitioner would submit that since school children, who are on excursion/ picnic trip cannot be taken out without them being accompanied by responsible teachers of the educational institution, hence the Principal and the 4 other teachers are allowed to travel along with them. That conduct of the petitioner, according to the learned counsel for the petitioner Sri P.Sridhar Rao would not amount to misconduct at all.

On the other hand, the permission which the school sought for from the Corporation clearly discloses that '56' school children will be travelling in the bus along with accompanying teachers and as the Corporation has not objected to the teachers to travel along with the school children, the Conductor cannot object to the same. Though this contention of Sri P.Sridhar Rao, learned counsel for the petitioner, deserves serious consideration, but however Sri B.Mayur Reddy, learned standing counsel for the 1st respondent – corporation would urge that the disciplinary enquiry initiated against the petitioner is now slated to 18.03.2016 and hence at this stage ordering reinstatement of the petitioner will not serve the ends of justice properly.

Placing an employee under suspension is essential to achieve 2 purposes, viz.

- (1) To facilitate the employer to collect all the necessary facts and circumstances without there being any undue hindrance to do so as the employee might try to influence those who might be willing to speak against him, not to do so.
- (2) To prevent him from gaining access to the witnesses or the office records, so that the same can be brought before the domestic tribunal, which conducts the enquiry into the alleged misconduct.

Since it is brought to our notice that the enquiry is slated to be conducted on 18.03.2016 and in case the petitioner – appellant participates there at and makes his statement and also completes his

side of evidence on that day, the Corporation would immediately consider reinstating him to duty as the purpose for which he was placed under suspension would have been achieved by that date. However, the Corporation may conclude the enquiry as quickly as is possible and bring it to a logical end with careful and proper application of mind to the facts and circumstances which have been brought on record including the fact that the petitioner has not collected the fare from the 5 passengers, who accompanied the students.

With this, the writ appeal stands disposed of. No costs.

Consequently, the miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE DR.B.SIVA SANKARA RAO

14.03.2016
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