

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

WRIT PETITION No.10164 of 2016

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ORDER:
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This writ petition, filed under Article 226 of the Constitution of India, challenges the order of suspension passed by the Depot Manager, APSRTC, Ramachandrapuram Depot/first respondent herein vide Proceedings No.01/2()3/2016-RCPM, dated 14.03.2016.

2. Heard Sri T.S.Venkata Ramana, learned counsel for the petitioner and Sri S.V.Ramana, learned Standing Counsel for the respondents.

3. Petitioner herein is a Driver in the respondent Corporation. By virtue of the impugned order dated 14.03.2016, the first respondent herein placed the petitioner herein under suspension. The first respondent also issued a charge sheet on the even date vide proceedings No.01/2(3)/16-RCPM, dated 14.03.2016, leveling the following allegations:

“ALLEGATIONS – It is alleged and reported vide reference cited, that you were booked to the service of Ramachandrapuram –Itchapuram 04.00 hours service on 03.03.2016. While you were proceeding with the vehicle bearing No.AP28Z 5799 towards Ramachandrapuram from Itchapuram at about 04.30 hours on 04.03.2016 met with a major accident at Y-Junction, Pithapuram due to your lack of anticipation and non observance of rules of the road, which resulted in grievous injuries to two passengers besides extensive damages to the vehicle, as it was capsized in to way side.

The accident occurred to the vehicle was due to your gross negligence and lack of anticipation caused injuries to passengers and damages to the vehicle, resulted in tarnishing of image of the Corporation in the eyes of public, besides heavy loss to the Corporation.”

4. In response to the said charge sheet and the charge contained therein, the petitioner herein submitted an explanation dated 19.03.2016.

5. In the above background, questioning the validity and the legal sustainability of the suspension order dated 14.03.2016, the present writ petition has been filed.

6. It is contended by the learned counsel for the petitioner herein that the impugned order of suspension is unwarranted in the facts and circumstances and is arbitrary and unreasonable and it amounts to arbitrary exercise of power. It is further submitted that the allegations made against the petitioner herein are also contrary to the material on record. It is further submitted by the learned counsel for the petitioner that there is absolutely no negligence on the part of the petitioner herein and in fact he saved the lives of number of persons.

7. On the contrary, it is submitted by the learned Standing Counsel for the respondents that since the charge sheet has already been issued on 14.03.2016 and the petitioner herein also replied for the same, it is not open for the petitioner herein to question the impugned order of suspension, pending enquiry. It is further submitted by the learned Standing Counsel that the enquiry will be completed expeditiously.

8. Having regard to the nature of controversy and in the facts and circumstances of the case and by taking into consideration the submission of the learned counsel for the petitioner and the learned Standing Counsel for the respondents, this Court is of the considered opinion that the ends of justice would be served if the first respondent herein is directed to conclude the enquiry by fixing some time frame.

9. For the aforesaid reasons, the writ petition is disposed of, directing the first respondent to finalize the enquiry and to pass appropriate orders pursuant to the charge sheet dated 14.03.2016, within a period of one month from the date of receipt of this order, and in the event of failure to adhere to the said time schedule, petitioner herein shall be reinstated into service. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:29.03.2016
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.10164 of 2016

Dated 29th March, 2016

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