

HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.6242 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in suspending the petitioner through proceedings No.E2/114(01)15-MNCL dated 16-12-2015 of the 3rd respondent is illegal, arbitrary, and violation of the APSRTC Service Regulations and as well as the Fundamental Rights Guaranteed Under the Constitution of India and set aside the same and consequently direct the respondent to continue the petitioner as Driver.”

2. Heard Sri A. Jagan, learned counsel for the petitioner and Sri A. Ravi Babu, learned Standing Counsel for respondents 1 to 3.

3. The petitioner herein is working as a Driver in T.S.R.T.C., Mancherla Depot, Adilabad District. By virtue of the impugned order, 16.12.2015, the Depot Manager, T.S.R.T.C., Mancherla Depot, Adilabad District (3rd respondent) passed an order and placed the petitioner under suspension, pending enquiry under the charges levelled against him.

4. It is contended by the learned counsel for the petitioner that the impugned order of suspension in the facts and circumstances of the case is not warranted and there is absolutely no justification on the part of the respondents in placing the petitioner under suspension.

5. On the contrary, it is submitted by the learned Standing Counsel that there is absolutely no illegality in the impugned action, as such, the writ petition is not maintainable and the petitioner is not entitled for any relief in this Court under Article 226 of the Constitution of India.

6. Though a number of grounds have been urged in the affidavit filed in support of the writ petition, having regard to the nature of controversy, this Court is not inclined to set aside the impugned order at this stage since the impugned order has been passed by the 3rd respondent pending enquiry, but however, this Court is of the considered opinion that the ends of justice would be met if the respondent authorities are directed to complete the enquiry by fixing some time frame.

7. For the aforesaid reasons, the Writ Petition is disposed of directing the respondents to complete the enquiry against the petitioner pursuant to the impugned order, dated 16.12.2015, subject to the co-operation by the petitioner herein, within a period of two (2) months from the date of receipt of copy of this order, as per law. In the event of non-completion of enquiry within the said period, the petitioner herein shall be reinstated into service. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.V.SESHA SAI, J

Date: 8th March, 2016

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