

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

WRIT PETITION No.9561 of 2016

ORDER:

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

“to issue writ of WRIT OF CERTIORARI, quash the impugned charge sheet and order of suspension from service issued in common Proc. No. P2/498(02)/2016-KLPR, dated 10.03.2016 as arbitrary, unjust, capricious and in violation of Art. 14, 16 & 21 of the Constitution of India and consequently the petitioner pray this Hon'ble Court may be pleased to direct the respondents to reinstate the petitioner into service along with continuity of service, attendant benefits with all consequential benefits in the interest of justice and fair play.”

Heard Sri V. Narasimha Goud, learned counsel for the petitioner and Sri B. Mayur Reddy, learned Standing Counsel for respondents.

The petitioner herein is a Driver in the respondent corporation and the 2nd respondent – Depot Manager issued an order, dated 10-03-2016, keeping the petitioner under suspension. The Depot Manager also issued a charge sheet bearing No.P2/498(02)/2016-KLPR, dated 10-03-2016 framing the following charge against the petitioner herein:

“Charge 1) For having not co-operated with the security officials who comped for breath analyzer test at about 04.45 his on 29.01.2016, and left the depot without intimation to avoid breath analyzer test and also avoided to perform your duty without intimation, which constitutes

mis-conduct under reg.28 (xvi) & (xxxii) of APSRTC employees (conduct) Regulation, 1963.”

In response to the said charge sheet and the charge contained therein the petitioner herein submitted an explanation on 14-03-2016, explaining various issues and according to the learned counsel for the petitioner they show the lack of any fault on the part of the petitioner herein. It is submitted by learned counsel for the petitioner that in the facts and circumstances of the case the order of suspension is un-warranted, arbitrary, highly illegal and contrary to the Regulations of the respondent corporation.

On the contrary, it is vehemently contended by the learned Standing Counsel for respondents that there is no illegality nor there exists any procedural infirmity in the impugned action and as the petitioner herein already submitted explanation to the charge sheet and the enquiry is pending, it is not open for the petitioner herein to approach this Court by way of filing the present writ petition.

Having regard to the nature of allegations made and as the enquiry has already commenced and is pending and as the petitioner herein already submitted an explanation in response to the charge sheet, this Court, at this stage, is not inclined to meddle with the order impugned. But, however, this Court is of the considered opinion that the ends of justice would be served if the respondents are directed to complete the enquiry initiated against the petitioner herein pursuant to the charge sheet, dated 10-03-2016 by fixing some timeframe.

For the aforesaid reasons, the writ petition is disposed of, directing the respondents herein to complete the enquiry and pass final orders within a period of one month from the date of receipt of a copy of this order subject to the co-operation of the petitioner herein. In the event of failure to complete the enquiry within the time stipulated, the petitioner herein shall be re-instated into service.

Miscellaneous Petitions pending, if any, shall stand closed.

There shall be no order as to costs.

A.V. SETHA SAI, J

March 30, 2016

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