

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

WRIT PETITION No.11906 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 Show Cause Notice No.01/644(1)/2015, MDLC dated 21.03.2016 of the 4th respondent for removal of the petitioner is illegal, arbitrary, contrary to the evidence on record and T.S.R.T.C. Service Regulations and as well violation of Fundamental Rights guaranteed under the constitution of India and set aside the same and consequently direct the respondents to continue the petitioner as a driver in the Medchal Depot, TSRTC, Ranga Reddy District and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard Sri Venkata Raghu Mannepalli, learned counsel, appearing for the petitioner and Sri N.Vasudeva Reddy, learned standing counsel, appearing for the respondents.

3. Petitioner herein is a driver in the respondent Road Transport Corporation. Challenge in the present Writ Petition is to the show-cause notice for removal issued by the Depot Manager, Medchal Depot – 4th respondent herein vide proceedings No.01/644(1)/2015-MDCL, dated 21.03.2016. The impugned show-cause notice reveals that basing on a preliminary report submitted by the AM(T)/MDCL, petitioner herein was placed under suspension and a charge sheet was also issued. Thereafter, the Assistant Manager (T)(Enquiries), DVM's Officer/SNG, Kukatpally, Hyderabad, was appointed as Enquiry Officer and the said enquiry officer submitted a report. Thereupon, the Depot Manager/Disciplinary Authority, issued the present show-cause

notice dated 21.03.2016, calling upon the petitioner to submit explanation against the provisional conclusion. The said show-cause notice for provisional conclusion is under challenge in the present Writ Petition.

4. According to the learned counsel for the petitioner, the impugned show-cause notice is highly illegal, arbitrary, unreasonable and opposed to the very spirit and object of the Regulations of the respondent Corporation.

5. On the contrary, it is vehemently contended by the learned standing counsel for the respondent Corporation that the notice impugned in the present Writ Petition is only a show-cause notice on provisional conclusion and without submitting explanation to the said show-cause notice, it is not permissible for the petitioner herein to approach this Court under Article 226 of the Constitution of India.

6. The information available before this Court manifestly discloses that pursuant to the enquiry report submitted by the enquiry officer appointed by the respondent Corporation, the Disciplinary Authority/Depot Manager issued the present show-cause notice for removal. It is not the case of the petitioner herein that the Depot Manager has no jurisdiction nor any power to issue such a notice. In the absence of the same, this Court is not inclined to scuttle the further proceedings in the matter. However, the ends of justice would be served in the facts and circumstances of the case, if the petitioner is permitted to submit his explanation to the impugned show-cause notice by giving sometime.

7. For the aforesaid reasons, Writ Petition is dismissed, however, it is open for the petitioner herein to submit explanation to the impugned show-cause notice No.01/644(1)/2015-MDCL, dated 21.03.2016 issued by the Depot Manager, Medchal Depot, Medchal, Ranga

Reddy District, within a period of one week from the date of receipt of a copy of this order and if any such explanation is submitted, within the time stipulated above, the same be considered and appropriate further action be taken in accordance with law.

8. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

12.04.2016
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