

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**WEDNESDAY, THE TWENTY FOURTH DAY OF
AUGUST TWO THOUSAND AND SIXTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.6765 of 2011

Between:

G. Prasad, S/o. Baludu, Aged:44 years, Occ:Driver, E-425511,
Allagadda Depot, R/o.Allagadda, Kurnool District.

. Petitioner

AND

The APSRTC, rep. by its Vice Chairman & Managing Director,
Musheerabad, Hyderabad and others.

.. Respondents

The Court made the following:

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THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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WRIT PETITION No.6765 of 2011

ORDER

Petitioner was assigned to drive vehicle bearing No.AP28 Z 3023 from Allagadda to Hyderabad on 23.07.2008. The bus met with an accident causing damage to the goods transport vehicle which was going ahead of the bus. It appears, in the accident bus was heavily damaged causing a loss of Rs.2,76,000/-. On the said allegation, he was placed under suspension by order, dated 01.09.2008 and charge sheet was served alleging failure to maintain minimum distance between two vehicles which resulted in the accident. Not satisfied with the explanation submitted by the petitioner, enquiry officer submitted his report dated 15.01.2009 holding the petitioner guilty of charge. Based on the report of the enquiry officer, disciplinary authority passed orders, dated 07.02.2009 imposing punishment of removal from service. The appeal preferred by the petitioner was also rejected by orders dated 23.03.2009. The revisional authority modified the punishment to that of reduction by two incremental stages which would have permanent effect on future increments; treated the period of suspension as not on duty for the purpose of leave and wages and forfeited the security deposit. Aggrieved by the order of the revisional authority to the extent of the modified order of punishment as referred to above, this writ petition is filed.

2. Heard learned counsel for petitioner and learned Standing Counsel for Corporation appearing for respondents.

3. Learned counsel for petitioner would submit that the petitioner was not driving the vehicle in rash and negligent manner. In fact, on that day, there was drizzling. Therefore, visibility was not good. However, the petitioner was driving the vehicle slowly. Unfortunately, because of drizzling, petitioner could not notice the vehicle going ahead of him, which was suddenly stopped. Therefore, petitioner could not negotiate and had to hit the vehicle from behind. Therefore, learned counsel would submit that the accident was not as a result of rash and negligent driving of the vehicle and occasioned due to negligent driving by the driver of the goods transport vehicle proceeding ahead of him. Petitioner was unnecessarily harassed by initiating the disciplinary proceedings and imposing such a grave penalty.

4. Learned Standing Counsel would submit that detailed enquiry was conducted and due opportunity of hearing was afforded to the petitioner. The evidence on record clearly established negligence of the petitioner in driving the vehicle. Primary allegation against the petitioner that he did not maintain the minimum distance between two vehicles and if only he maintained the minimum distance as required by any driver, this accident could not have occurred was proved. Due to the negligence of the petitioner, the respondent Corporation was subjected to huge loss of Rs.2,76,000/-. The disciplinary authority had considered all the aspects before imposing punishment. He would further submit that the revisional authority has upheld the disciplinary action and recorded a finding of fact that the petitioner was negligent in not maintaining minimum distance but having

regard to the clean service record of the petitioner, he has reduced the punishment imposed. He would therefore, submit that once the allegation is proved, it cannot be said that the punishment imposed is not valid.

5. The sum and substance of the allegation against the petitioner is, petitioner failed to maintain minimum distance between two vehicles which resulted in accident causing huge damage to the vehicle and the respondent Corporation was made to incur an amount of Rs.2,76,000/-. A detailed enquiry was conducted and enquiry officer held the charge as proved. Based on the findings recorded by the enquiry officer, the disciplinary authority imposed punishment of removal from service. This decision of the disciplinary authority was affirmed by the appellate authority. However, in the revision filed by the petitioner, the revisional authority having regard to the clean record of service of the petitioner up to the date of incident, considered the prayer of the petitioner and modified the punishment of removal to that of reducing the pay of the petitioner by two stages which will have permanent effect and treated the period of suspension as not on duty.

6. On going through the record, it is clear that the procedure as envisaged by the service regulations of the respondent Corporation was followed and after giving due opportunity, the disciplinary proceedings are concluded and based on evidence on record, enquiry officer has recorded a clear finding of fact that the petitioner was responsible for causing the accident. The principal allegation of not maintaining proper distance between two vehicles was held proved. The same was confirmed by all the authorities. It is not a case of perverse finding nor is a case of no evidence.

Once there is some evidence, based on which finding was recorded, this Court cannot re-appreciate and record a different finding from the finding recorded in the disciplinary proceedings. It is also appropriate to notice that the reviewing authority, having considered the past record of service, while upholding the disciplinary action, modified the punishment to that of less severe penalty.

7. In the facts and circumstances of this case, I do not see any error in the disciplinary action initiated against the petitioner culminating the modified punishment imposed by reviewing authority warranting interference by this Court. It cannot be said that the punishment is disproportionate to the charge alleged and proved.

8. The Writ Petition is accordingly dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

P.NAVEEN RAO, J

24th August, 2016

sj

24th AUGUST, 2016.

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