

THE HON'BLE SRI JUSTICE S.V.BHATT

Writ Petition No.26619 of 2009

ORDER :

The petitioner challenges proceedings/charge-sheet No.J1/114(21)/2009-AD (V&S) – KRZ, dated 25-11-2009, as arbitrary, illegal, violative of principles of natural justice and contrary to the A.P. (S.Cs., S.Ts. & B.Cs.) Regulation of Issue of community Certificates Act, 1993.

To appreciate the legal objection raised by the petitioner, I am of the view that extraction of charge-sheet, dated 25-11-2009 would avoid narration of all facts and circumstances.

“ANDHRA PRADESH STATE ROAD TRANSPORT

CORPORATION

No.J1/114(21)/2009-AD(V&S):KRZ O/o the Assistant
Director(V&S),
Karimnagar, Dated : 25-
11-2009

//CHARGE SHEET//

To
Sri G.T.Reddy,
E.303007, Security Head Guard,
METPALLY DEPOT. (THROUGH
SI:KRMR REGION)

Sub :- **COMPLAINTS** – complaint against Sri G.T.Reddy, E-
303007, Security Head Guard of Metpally depot –
Allegation
of securing employment in RTC on the strength of fake
Caste
Certificate – Issue of Charge Sheet –Reg.

Ref :-SI/KRMR enquiry Report No.SB/ENQ(1)/SI:KR-2009,
Dt.16-09-2009.

ALLEGATIONS :-

It is alleged through a written complaint by Ms.Gudelli Bhanumathi, Venkepally (V) Saidapoor (M), Karimnagar (District) addressed to the District Collector, Nizamabad and copied to the Managing Director, A.P.S.R.T.C. and others that Sri Gudelli Thirupathi Reddy S/o Sri Ramana Reddy, Mallaram (V), Bheemdevarapally working in the Security Department at Bhainsa depot belongs to Reddy Caste, but secured employment in A.P.S.R.T.C. on the strength of B.C. Certificate falsely.

In this connection, an enquiry has been ordered. Accordingly, the SI/KRMR Region conducted an enquiry and submitted report, vide reference cited. From the enquiry report, it is evident that Sri Gudelli Thirupathi Reddy E-303007, SHG of Metpally depot secured Job as Security Guard in A.P.S.R.T.C. on the strength of false BC Certificate. Tahsildar, Bheemdeverapally (Mandal) vide Letter No.C/6294/2009, dated : 01-09-2009 has certified that Sri Gudelli Thirupathi Reddy E-303007 S/o.Ramana Reddy does not belongs to 'Munnurukapu' BC Caste and that he belongs to 'Reddy' OC Caste and the caste certificate obtained by him is a false one.

Hence, it is established that Sri Gudelli Thirupathi Reddy S/o. Ramana Reddy secured job as Security Guard in A.P.S.R.T.C. on 31-10-1986 on the strength of BC-D 'Munnurukapu' Certificate falsely though he belonged to O.C. 'Reddy' caste which is a serious offence.

Based on the above allegations, the following charge is framed against Sri Gudelli Thirupathi Reddy E-303007, SHG of Metpally depot.

CHARGE :

"For having secured employment in A.P.S.R.T.C. as Security Guard on 31-10-1986 on the strength of B.C.-D 'Munnurukapu' caste falsely though Sri Gudelli Thirupathi Reddy, E-303007, SHG of Metpally depot belongs to O.C. 'Reddy' caste in violation of Reg.No.(xv) & (xxii) of APSRTC Employees (Conduct) Reg.1963 read with Reg.9(1)(e)&(f) of APSRTC Employees (C.C.&A) Reg.,1967."__

Therefore, he is hereby advised to submit his explanation

to the charge sheet within SEVEN (7) days on receipt of this charge sheet and explain as to why disciplinary action should not be taken against him. If his written reply is not received within the stipulated period, it will be assumed that no explanation to offer and further action will be initiated against him as deemed fit.

Please acknowledge receipt of the charge sheet.”

The petitioner challenges charge-sheet on the ground that the respondents herein are not the competent authorities to enquire into and decide the social status of petitioner. The very initiation of enquiry is illegal, without jurisdiction and liable to be set aside. It is further contended that the certificate on which employment is given to the petitioner is valid and subsisting as on date, initiation of enquiry on the social status of the petitioner is without basis and unwarranted.

On the other hand, learned standing counsel submits that the petitioner has secured employment on the strength of a certificate showing the petitioner as ‘Munnurukapu’ (BC-D). According to the management, the petitioner does not belong to ‘Munnurukapu’, but belongs to ‘Reddy’ caste, therefore the employment of petitioner in respondent-organization under the quota meant for BC-D is illegal and irregular. The charge memo is issued to the petitioner and opportunity will be given to him to *prima facie* show that the social status claimed by the petitioner as ‘Munnurukapu’ is subsisting as on date. The learned counsel fairly admits that in the enquiry the authorities are concerned with the mode and manner of securing the employment, but not on the social status of the petitioner and whether the claim of petitioner as BC-D is *prima facie* tenable. It

is admitted that under A.P. (S.Cs., S.Ts. & B.Cs.) Regulation of Issue of community Certificates Act, 1993, the competent authority decides the social status of a person/employee. If the circumstances of the case basing upon reply given by the petitioner warrant pursuing the remedies available under the Act, 1993, the management will certainly follow the same and quashing the charge-sheet at this stage does not arise and the Writ Petition is not maintainable.

I have perused the material available on record and taken note of the submission of the learned counsel appearing for the parties. The premise on which the present writ petition is filed is that the respondents do not have authority to decide the social status of the petitioner. The contention of the petitioner need not detain me too long for two reasons; firstly, a doubt on the social status of the petitioner has arisen, enquiry is initiated and the petitioner is afforded opportunity to give explanation to the charge sheet. The petitioner, if so advised, can certainly rely upon all the material in assertion of his social status as 'Munnurukapu'. The respondent-Corporation if has any doubt on the social status claimed by the petitioner, it certainly follows the procedure prescribed in A.P. (S.Cs., S.Ts. & B.Cs.) Regulation of Issue of community Certificates Act, 1993. Having regard to the above circumstances, I am of the view that the legal objection raised by the petitioner at this stage cannot be considered and the charge-sheet cannot be set aside.

On 05-12-2009, this Court ordered suspension of proceedings No.J1/114(21)/2009-AD(V&S):KRZ, dated 25-11-

2009 and the same is subsisting as on date. As I am not inclined to accept the prayer of the petitioner on the ground of lack of jurisdiction for issuing the charge-sheet, I am persuaded to take note of the fact that order dated 25-11-2009 is suspended and the interim order is subsisting.

Therefore, the Writ Petition is disposed of in the following terms :

- (a) The petitioner is given four weeks time from today to submit his explanation to the charge-sheet, dated 25-11-2009.
- (b) Suspension granted by this Court on 05-12-2009 is directed to be continued till the enquiry is completed and appropriate orders are passed.

It is made clear that this Court has not expressed any view on the merits of the case. It is for the respondents to look into the alleged violation in accordance with law and pass appropriate orders. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of.

**S.V. BHATT,
J.**

Date:22.02.2016

skmr