

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
WRIT PETITION No.20696 of 2016
-

ORDER:

The petitioner was appointed as a Driver in the respondent No.1 Corporation on 04.04.1989 and his services were regularized on 09.08.1990 and he rendered 27 years of service. He availed special off on 26.05.2016. On that day, when he went to the Union Office, some altercation took place with the R.T.C. Head Constable. The petitioner states that while he was discussing with his co-employees, the R.T.C. Head Constable caught hold of his shirt collar in the presence of other employees and was dragging towards security room to check with breath analyzer. The petitioner felt insulted and wriggled out of his hold and went to Union Office. However, after conducting a preliminary enquiry, respondent No.2 issued a Charge Sheet on 04.06.2016 asking the petitioner to submit his explanation to the following charge:

“For having attended to Depot premises at about 15.45 hours on 26/05/2016 even though you have special off on the day and shouted loudly in front of main gate without reason and when the RTC Head Constable advised to go from the premises and called you to Security Room with a plea to check with Breath Analysor, you have used filthy language against him and threatening by showing your finger and gone away from the premises. You have attended to Depot premises and created some disturbance and also mis-behaved with RTC Head Constable which constitutes misconduct vide clause No.Reg.28 (viii & xxxi) of APSRTC Employees (conduct) Regulations, 1963.”

On the same day, he was placed under suspension for the said charge. Challenging the same, the present writ petition was filed.

Heard the learned counsel for petitioner, and learned

Standing Counsel appearing for the respondents.

This Court carefully perused the above charge and in view of denial of the said charge by the petitioner and also keeping in view the incident taken place outside the main gate, the matter has to be enquired. But, the said charge does not warrant the suspension of Driver, who rendered 27 years of unblemished service.

In the circumstances, the impugned order of suspension dated 04.06.2016 is set aside. However, liberty is given to respondents to continue the enquiry pursuant to the charge sheet dated 04.06.2016, and complete the same as expeditiously as possible, but not later than three (3) months from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is disposed of. No order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

28.06.2016
MVA