

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

WRIT PETITION No.6717 of 2016

ORDER:

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

“to issue writ of Mandamus to declare the suspension order No.02/95(04)12016-HPT dated 09-02-2016 issued to the petitioner without assigning any reasons ignoring the explanation of charge memo, ignoring the RTC procedure, instructions and directions have following by the TTIS while checking or not is as illegal, unjust, contrary to the RTC directions and instructions, against the law by suspending the suspension order, consequently direct to the 2nd respondent to take the petitioner into service.”

Heard, Sri Mohd. Ghousuddin, learned counsel for the petitioner and Sri N. Vasudeva Reddy, learned Standing Counsel for respondents.

The petitioner herein is a Conductor working in the respondent corporation. By virtue of the orders impugned the Depot Manager, Hakimpet Depot placed the petitioner under suspension, pending enquiry. The material on record further discloses that the Depot Manager also issued a charge sheet, framing following charges:

“Charge:-1. For having failed to complete ticket issuing even after crossing of one fare stage on 01-02-2016 at Stage No.10, Chennapur at 19.40 Hrs., while you were conducting the bus No.TS11UA-5870, on route No.211 M of service No.95/2N/O, which constitutes misconduct in terms of Reg.28(vi)(a) of APSRTC Employees (Conduct) Regulations 1963.

Charge:-2. *For having collected Rs.17/- from a batch of two persons i.e., 1. Adult passenger and 1. Child passenger fare of Rs.17/- boarding point itself only who found Travelling with Invalid Break down report from Ammuguda to Malkaram Ex-Stages No.06 to 12 and thereby Obtained TPT No.143972 of Rs.11+6=17/- denomination E-2, Rs.11/- denomination E-1 and Rs.6/- denomination E-1 on 01-02-2016 at Stage No.10, Chennapur at 19.40 Hrs., while you were conducting bus No.TS11UA 5870 on Route No.211M of service No.95/2 N/O, which is a serious offence, which shows your gross negligence on your duty and loss of legitimate revenue to the Corporation and constitutes misconduct in terms of Reg.28(vi)(a) & 28 (ix) (a) of APSRTC Employees (Conduct) Regulations, 1963.*

In the said charge sheet, dated 09-02-2016 the Depot Manager also asked the petitioner to file explanation.

Though a number of contentions have been raised by the learned counsel for the petitioner, touching the sustainability of the impugned action, since the respondents already initiated departmental proceedings and issued charge sheet also, without there being any complaint of jurisdictional error this Court is not inclined to interfere with the impugned suspension order. But, however, this Court is of the considered opinion that the ends of justice would be met if a direction is issued to the respondents to complete the enquiry, as expeditiously as possible, by fixing some timeframe.

For the aforesaid reasons, the writ petition stands disposed of, directing the respondents to complete the Disciplinary Enquiry against the petitioner pursuant to the charge sheet, dated 09-02-2016 within a period of three (3) months from the date of receipt of a copy of this order. It is also open for the petitioner to submit

explanation to the charge sheet, dated 09-02-2016 within a period of two (2) weeks from the date of receipt of a copy of this order.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SSHA SAI, J

March 02, 2016

Pn

—

—

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

WRIT PETITION No.6717 of 2016

-

March 02, 2016

Pn