

# **HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**W.P.No.31019 of 2016**

## **ORDER**

This writ petition is filed seeking to declare the proceedings dated 3.9.2016 issued by the 2<sup>nd</sup> respondent, as arbitrary and illegal.

The petitioner was appointed as Driver in the respondent-Corporation on 23.08.2010 and his services were regularized with effect from 1.9.2013. While so, he was kept under suspension by order dated 30.3.2016 and charge sheet was issued on the same day alleging the following charges:

“1.For having concealed the fact of arrest by police in fatal accident case on 1.11.2015 by Chikkadpally Police in Cr.No.492 of 2015, U/s.304-A IPC dated 2.11.2015, which constitutes misconduct in terms of Reg.28 (xxii) & (xxxii) of Employees' (conduct) Regulation, 1963.

For having driven the vehicle No.AP28Z-3641 in negligence manner with lack of anticipation on route No.2J i.e., Secunderabad to Jiyaguda with service No.126/2 on 1.11.2015, when reached to Bus Bhavan, Head Office at about 19.50 hrs and took suddenly right on road without giving any indication, in negligence manner in which the three wheeler bike bearing No.AP11AN7660 was contacted with RTC bus, resulted in the rider and pillion rider were fallen on the road and received grievous injuries. The pillion rider by name Sri N.K.Keshavaiah, S/o. Venkataiah,

aged 49 years, Tejabindu Apartments, Indraprastana Colony, Bagh Amberpet, Hyderabad has received injuries to his left leg, head and abdomen and died while taking treatment at Durgabai Deshmukh Hospitals, Hyderabad and also the rider by name Sri S.Janardhan Rao s/o Appa Rao, aged 70 years, Tejabindu Apartments, Indraprastana Colony, Bagh Amberpet, Hyderabad has received injuries to his head and hands, which constitutes misconduct in terms of regulations 28 (ix) (a) of APSRTC Employees' (Conduct) Regulations, 1963.”

The petitioner submitted his explanation denying involvement of vehicle in the accident. He was arrested in connection with the said accident and was granted bail on 27.11.2015. Challenging the order of suspension, the petitioner filed W.P.No.12831 of 2016 and this Court granted interim suspension order on 19.4.2016 in WPMP No.16079 of 2016 and liberty was given to the respondents to continue the enquiry. Pursuant to the same, the enquiry was completed and an order of termination was passed by the 2<sup>nd</sup> respondent. Challenging the same, the present writ petition is filed.

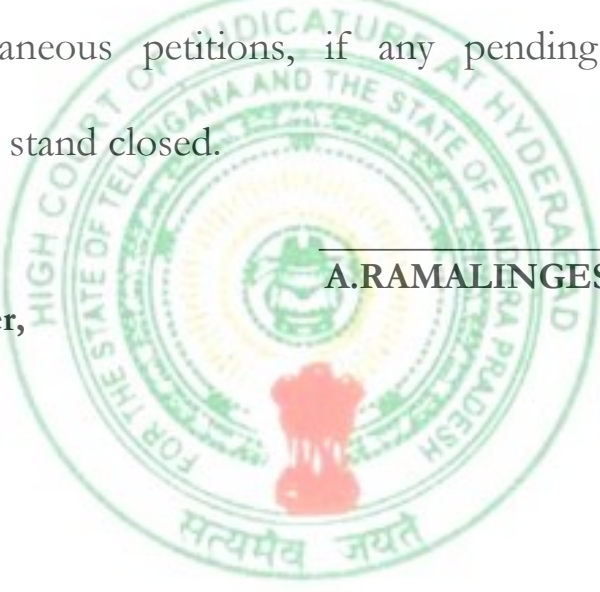
Learned counsel appearing for the petitioner submits that the petitioner was not involved in the said accident and he was arrested after 26 days of the alleged accident.

In view of the same, as a right of appeal is available to the petitioner, this Court is not inclined to accede to the contentions raised by him, at this stage.

Accordingly, the Writ Petition is disposed of giving liberty to the petitioner to exercise the right of appeal to the competent authority. As and when the petitioner files such an appeal, the competent authority shall consider and dispose of the same, within a period of three months thereafter. No costs.

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

15<sup>th</sup> September,  
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A.RAMALINGESWARA RAO, J