

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 23145 of 2016

Order:

The petitioner was appointed as Driver in the respondent-Corporation in the year 1999. While he was driving the bus from Warangal to Hyderabad as TIMS Driver on 14.06.2016 a check was conducted at Aleru. He states that he issued nine (9) tickets to nine (9) passengers at the boarding point, Hanumakonda. He further states that at that time, the TIMS Machine was not working and even then he issued the tickets. After reaching Jangam he got repaired the TIMS machine and issued tickets to the passengers who boarded the bus at Jangam. However, based on the check report an order of suspension was passed on 20.06.2016, challenging which the present Writ Petition was filed.

2. The charges levelled against the petitioner are as follows.

- “1. For having violated the rule “collect the correct fare and issue correct tickets and close the star and start” which constitutes misconduct U/R.28(xxxii) of TSRTC Employees (Conduct) Reg.1963.
2. For having collected the requisite fare of Rs.670/- from a batch of 5 passengers, who boarded the bus at Hanamkonda and bound for Hyderabad, and issued TIM white paper roll with an endorsement as HNK/HYD(9)205120, which constitutes misconduct U/R.28(x) and (xxv) of TSRTC Employees (Conduct) Reg.1963.
3. For having collected the requisite fare of Rs.536/- from a batch of 4 passengers, who boarded the bus at Hanamkonda and bound for Hyderabad, and issued TIM white paper roll with an endorsement as HNK/HYD(9) 523, which constitutes misconduct U/R.28(x) and (xxv) of TSRTC Employees (Conduct) Reg.1963.
4. For having issued the ticket No.A20550 towards the charges for 9 passengers for their travel from Hanamkonda to Hyderabad on seeing the TTIs, which constitutes to misconduct U/R 28(x) and (xxxii) of TSRTC Employees (Conduct) Reg.1963.”

3. Normally this Court will not interfere with the order of suspension in case of ticket irregularities, but in the instant case the petitioner submitted that he issued the tickets and no misappropriation is committed by him. He filed a document in support of his contention showing the summary report. Since this Court is *prima facie* satisfied with regard to untenability of order of suspension on the basis of the explanation submitted by the petitioner, the impugned order of suspension dated 20.06.2016 is set aside. However, liberty is given to the third respondent to conduct the enquiry on the basis of the above charges and pass appropriate orders in accordance with law. It is needless to observe that the petitioner shall co-operate with the conduct of enquiry.

4. The Writ Petition is, accordingly, allowed. There shall be no order as to costs.

5. As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

A.
Date: 20.07.2016
Nsr

RAMALINGESWARA RAO, J