

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

WA.No.718 of 2016

Date:16.8.2016

Between:

S.Rajeshwara Rao,
S/o S.Venkata Narasaiah

..... Appellant

And:

Regional Manager, APSRTC,
Karimnagar Region and three others.

....Respondents

Counsel for the appellant: Mrs. S.V.Indira

Counsel for respondent Nos.1 to 3: Mr. A.Ravi Babu
Standing Counsel for
TSRTC

Counsel for respondent No.4: GP for Transport (TS)

The Court made the following:

JUDGMENT: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

The correctness or otherwise of the claim of the appellant about his possessing S.S.C. qualification, which is the minimum educational qualification for a Conductor, was sought to be enquired into by respondent Nos.1 to 3. A charge sheet was issued in that regard on 11.10.2002

and the appellant was placed under suspension pending enquiry. This order was assailed in Writ Petition No.20217 of 2002. Based on an interim order granted in the said Writ Petition, all further disciplinary proceedings were stalled and the appellant was permitted to continue on duty.

The main plea raised by the appellant in the said Writ Petition was that a detailed enquiry was held by the Security Officer of Karimnagar Depot, who submitted his report dated 07.02.1993, wherein he has given a finding that his verification revealed that the appellant's claim of possessing S.S.C. qualification is genuine and that therefore, no successive enquiries could be initiated against the appellant. The learned single Judge, however, did not accept this plea and dismissed the Writ Petition.

Mrs. S.V.Indira, learned counsel for the appellant, did not dispute the fact that the said report, dated 07.02.1993, of the Security Officer of Karimnagar Depot, referred to above, is only a preliminary enquiry report and that, no full-fledged enquiry was held.

As rightly pointed out by the learned single Judge, when an allegation against the appellant regarding his not possessing S.S.C. qualification was made, the Corporation cannot be prevented from holding proper enquiry into the same.

Having carefully examined the facts referred to above and the order of the learned single Judge, we do not find any ground to interfere with the impugned order.

Learned counsel for the appellant has submitted that while her client, in principle, has no objection for participating in the enquiry, he is only apprehending that pending the enquiry, he may be suspended.

We do not find any basis for this apprehension, for the learned single Judge while dismissing the Writ

Petition, made it clear that since the appellant has been in service from the year 1997, the respondents shall maintain *status quo* as far as his employment is concerned.

Mr. A.Ravi Babu, learned Standing Counsel for TSRTC, has also submitted that in the light of the directions issued by the learned single Judge, there is no possibility of the appellant being placed under suspension pending enquiry.

Having regard to the afore-mentioned reasons, we do not find any merit in the Writ Appeal and the same is, accordingly, dismissed.

As a sequel to dismissal of the Writ Appeal, WAMP.No.1813 of 2016 filed by the appellant for interim relief is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE G.SHYAM PRASAD

*16th August 2016
DR*