

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.30458 OF 2016

ORDER:

The petitioner joined the service of the respondent corporation as driver in the year 2007 and his services were regularized w.e.f. 01-11-2011. While so, he was placed under suspension from service and charge sheet was issued on 23-08-2016 framing the following charge:

“For having misbehaved and using a filthy language against on duty controller of Pargi Depot on 19-07-2016 in the presence of on duty RTC Constable of Pargi Depot on 19-07-16 at about 22.20 Hrs., which is serious misconduct under Reg. 28 (xviii) of TSRTC, Employees (Conduct) Reg. 1963.”

The petitioner submitted his explanation stating that on 19-07-2016 he was not on duty and was availing weekly off. He also submitted the explanation with regard to the incident happened in Pargi Bus Depot while taking the weekly off and after casting vote in Tandoor Depot. A preliminary enquiry was conducted, which revealed that some arguments took place between the complainant and the petitioner. The conclusion arrived at the preliminary enquiry is as follows:

“After conducting Enquiry with complainant & complainant and other witnesses, it is observed that Sri K.R.Chary, E.273144, Driver of Tandur Depot was went to Pargi but as per the enquiry statement of Sri C.Narsimulu, E-205124, RTC Constable of Pargi Depot Sri K.R. Char, E-273144, Driver of Tandur Depot not taken Alchohol, but the arguments taken between Sri C.N.Reddy, E-250952, ADC of Pargi Depot and K.R.Chary, E-273144, Driver of Tandur Depot.

Hence, the complaint given by Sri C.N.Reddy, E-250952, ADC of Pargi Depot against K.R.Chary, E-273144, Driver of Tandur Depot is partially proved.”

Challenging the order of suspension, the present writ petition is filed.

2. This Court carefully perused the statement of independent witnesses alleged to have been present at the time of incident and also the conclusion drawn by the Enquiry Officer and

basing on the same, this Court is of the opinion that it is not a fit case to suspend the petitioner from service. This Court also observed in several cases that in all cases of allegations, the employee need not be kept under suspension and proper discretion has to be exercised by the competent authority for placing an employee under suspension. In view of the same, this Court is of the opinion that the discretion was not properly exercised. However, since the charge was framed against the petitioner, the enquiry should go on.

3. In the circumstances, the impugned order, dated 23-08-2016 placing the petitioner under suspension is set aside. However, the enquiry in respect of allegation levelled against the petitioner in the charge sheet on even date shall go on. It is needless to observe that the petitioner shall co-operate with the enquiry.

4. Accordingly, the writ petition is allowed. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

DATED: 09-09-2016

Hsd

A.RAMALINGESWARA RAO, J

