

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

TUESDAY, THE NINTH DAY OF FEBRUARY TWO
THOUSAND AND SIXTEEN

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Present

HON’BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.3865 of 2016

Between:

V. Sri Ram Reddy, S/o. Narayana Reddy,
Aged 45 years, Occ: Conductor,
R/o.H.No.2-8-127/11/2, APHB Colony,
Hyderabad Road, Jangaon,
Warangal District.

.. Petitioner

AND

The Telangana State Road Transport Corporation,
Rep. by its Joint Managing Director, Musheerabad,
Hyderabad & another

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:
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The petitioner is a Conductor in the respondent Corporation. Alleging that the petitioner was engaged on special hire bus which permitted carrying 56 passengers, when check was conducted it was noticed that five passengers in addition to the permitted capacity were found travelling without tickets and that the petitioner collected fare from them, but no ticket was issued, the petitioner was placed under suspension on 20.01.2016 and on the same day, the charge sheet was issued. Thus, the allegation relates to cash and ticket irregularities. This writ petition is filed challenging the order of suspension.

2. Learned counsel for the petitioner contends that the bus was hired by a school and the passengers travelling in the bus, include small children also. Ordinarily, the children below the age of 12 years are treated as eligible to half fare ticket and, therefore, while counting the passengers, two children are counted as one and in the said manner, the passengers travelling have not exceeded 56 passengers limit. Learned counsel for the petitioner further submits that an entry is made in the SR that no fare is collected and the petitioner was not required to issue the tickets. Learned counsel for the petitioner further submits that the school administration has categorically stated before the

respondent authorities that no fare is paid. In fact, fine levied was already paid by the school and that the petitioner is not responsible.

3. If the contentions urged by the petitioner are to be appreciated, it would amount to recording findings on merits. No such finding can be recorded by this Court, more so, at the stage of considering the validity of the suspension order while the disciplinary action was already set in motion.

4. It is not in dispute that the Depot Manager is competent to place the petitioner under suspension. At the stage of passing an order of suspension, what is relevant for the disciplinary authority to consider is whether a *prima facie* case of allegation of misconduct is made against an employee. Even otherwise in public interest and in the interest of purity of administration and to ensure discipline among the employees, the disciplinary authority can place an employee under suspension. It cannot be said that the disciplinary authority has not applied its mind while taking decision to place the petitioner under suspension. In the instant case, as per the material available on record the disciplinary authority placed the petitioner under suspension. The statements of school administration can be useful material for effective defence of the petitioner in the disciplinary proceedings, but on that ground disciplinary proceedings cannot be nullified and on that ground suspension from the service cannot be interfered. This Court is not inclined to interfere with the order of suspension.

5. However, since a limited issue is involved, the disciplinary authority is directed to conclude the disciplinary proceedings within a period of eight (8) weeks from the date of

receipt of copy of this order. For any reasons, not attributable to the petitioner, if the disciplinary proceedings are not concluded within eight (08) weeks from the date of receipt of copy of this order, the disciplinary authority shall review the desirability for further continuation or to revoke the suspension and post the petitioner in any other place.

6. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

P.NAVEEN RAO, J

Date: 9th February, 2016

Note: Issue C.C. in two (2) days.

(B/o.)
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HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.3865 of 2016

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Date: 9th February, 2016

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