

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.29874 of 2016

Order:

The petitioner was appointed as a Conductor in the year 1989 and was promoted as Assistant Depot Controller and presently working in the third respondent Depot. There was some dispute with regard to financial transaction with one K. Srinivas and the petitioner was convicted in a case filed under Sections 138 and 142 of the Negotiable Instruments Act in C.C.No.178 of 2012 by the learned Judicial Magistrate of First Class, Vizianagaram. The same was confirmed in Criminal Appeal No.35 of 2015, dated 30.03.2016. He was arrested and sent for remand. He filed Criminal Revision Case No.926 of 2016 and the sentence was suspended on 31.03.2016. He was released from prison on 01.04.2016. In connection with the said arrest, a charge sheet was issued to the petitioner and the petitioner was placed under suspension. Challenging the suspension, the present Writ Petition is filed.

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

“Charge No.1: For having convicted in CC No.178 of 2012 to undergo imprisonment for a period of 06 months and pay a fine of Rs.5000/- for the offence u/s.138 and 142 of NI Act, and confirmed in judgment dated 29.03.16 in Criminal Appeal No.32 of 2015 by the Hon'ble Family Court-cum-III Additional Sessions Judge, VZM and also imprisoned from 30.03.2016 to 01.04.2016 in central prison Visakhapatnam which attracts under Regulation 9(1)(a) of APSRTC Employees (CC&A) Regulation 1967 which constitutes misconduct under Reg.28(xxxi) of APSRTC (Conduct) Regulations 1963.

Charge No.2: For having failed to inform the facts of your arrest in C.C.No.178 of 2012 and undergone imprisonment from 30.03.2016 to 01.04.2016 in Central Prison Visakhapatnam to your immediate Supervisor/Officer and subsequently you have been released on bail 02.04.2016 which attracts under Regulation 9(1)(f) of APSRTC Employees (CC&A) Regulation 1967 which

constitutes misconduct under Reg.26 of APSRTC (Conduct) Regulations 1963.”

3. There is no denial of the fact that the petitioner was imprisoned from 30.03.2016 to 01.04.2016 and he was released on bail on 02.04.2016. The said fact cannot have any affect on the future enquiry which can be conducted without keeping the petitioner under suspension. In the circumstances, liberty is given to the third respondent to complete the enquiry pursuant to the charge sheet issued on 16.07.2016, but so far as suspension of the petitioner is concerned the same is set aside.

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

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

Date: 20.09.2016
Nsr

A. RAMALINGESWARA RAO, J

