

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.30412 of 2016

ORDER

The petitioner was appointed as Conductor and his services were regularized with effect from 01.01.1989. Thereafter, he was promoted as Assistant Depot Clerk (ADC) in February, 2015. While so, he was issued a charge sheet on 28.05.2016 alleging that he failed to concentrate on receiving the bus cash and absconded from duties from 8.00 to 16.00 hours on 25.5.2016 without permission from STI. Pursuant to the same, he submitted his explanation on 14.6.2016 explaining the circumstances and denying the allegations. Without considering the same, the 2nd respondent appointed an Enquiry Officer, who in turn, submitted his report. Based on the said report, the 2nd respondent issued Show Cause Notice of removal dated 6.8.2016. Challenging the same, the present Writ Petition is filed.

The petitioner already submitted his objections to the report of the Enquiry Officer. Normally, this Court is not inclined to interfere with the discretion of the disciplinary authority, at this stage. But, the learned Counsel for the petitioner submits that the alleged incident is trivial and the show cause notice proposing to remove the petitioner from

service is a drastic step, which is disproportionate to the alleged misconduct. This Court is of the *prima facie* view that the submission of the learned Counsel for the petitioner is genuine.

In the circumstances, though a show cause notice for removal from service was issued by the second respondent, this Court hopes that the second respondent would take into consideration the nature of the misconduct, the enquiry report and the explanation submitted by the petitioner while imposing the punishment, which need not necessarily result in removal from service.

With the above observations, this Writ Petition is disposed of directing the second respondent to take the overall circumstances into consideration and pass appropriate orders in accordance with law. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

8th September, 2016
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