

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.14745 of 2016

-

ORDER:

This Writ Petition filed under Article 226 of the Constitution of India challenges the order of suspension passed by the Depot Manager, Mahabubnagar – second respondent herein, vide proceedings No.02/95(07)/2016-MBNR, dated 13.04.2016.

Heard Sri P.Govinda Rajulu, learned counsel for the petitioner and Sri B.Mayur Reddy, learned Standing Counsel for Telangana State Road Transport Corporation appearing for the respondents.

The petitioner herein is a driver in the respondent Road Transport Corporation. By virtue of the impugned order, dated 13.04.2016, the Depot Manager, Mahabubnagar, placed the petitioner under suspension pending enquiry. The second respondent has also issued charge sheet vide proceedings No.02/95(07)/2016-MBNR, dated 13.04.2016 framing the following charges:

“CHARGE -1: “For having failed to observe the rule “Issue and Start”, which constitutes misconduct under Reg.28 (xxxi) & (xxxii) of APSRTC Employees (Conduct) Reg.1963.”

-

CHARGE -2: “For having collected an amount of Rs.224/- (@ Rs.112/- each) from a batch of two

passengers at their boarding point itself who were boarded your bus at Hyderabad and bound for Mahabubnagar i.e. 02 to 01 duly re-issuing the ticket bearing No.00038256 (with a worth of Rs.224/-) which was issued in the Up journey with an intension to fraud an amount of Rs.224/-, which constitutes misconduct under Reg.28 (vi) (a), (x) & (xxxii) of APSRTC Employees (Conduct) Reg. 1963.”

- CHARGE -3: “For having updated the TIM upto stage No.01 without completing the above ticket issues, which constitutes misconduct under Reg.28 (xxxi) & (xxxii) of APSRTC Employees (Conduct) Reg.1963.”

In response to the said charge sheet and the charges contained therein, petitioner herein submitted explanation, dated 16.04.2016 to the second respondent principally stating, apart from other aspects, that he is uneducated and had no knowledge to operate TIM and though he is not qualified and not eligible to operate TIM services, but for instructions of the higher authorities, he is operating the TIM.

According to the learned counsel for the petitioner, the impugned order, charge sheet and the order of suspension are highly illegal, arbitrary and violative of Article 14 of the Constitution of India.

On the contrary, it is submitted by the learned Standing Counsel for the respondent Corporation that in

the absence of any illegality or arbitrariness, the present Writ Petition is not maintainable and the petitioner herein is not entitled for any indulgence of this Court under Article 226 of the Constitution of India. It is the further submission of the learned Standing Counsel that as the enquiry is pending, the petitioner is required to appear before the enquiry officer and prove his innocence. It is also the submission of the learned Standing Counsel that in the absence of any allegation of absence of jurisdiction, the impugned orders cannot be interfered with.

Admittedly, in the present case, while suspending the petitioner, the Depot Manager – second respondent issued a charge sheet on 13.04.2016 and petitioner herein also responded to the said charge sheet by way of explanation, dated 16.04.2016. Having regard to the nature of allegations in the charge sheet, this Court at this stage is not inclined to scuttle further enquiry into the matter. However, this Court is of the considered opinion that ends of justice would be served if the second respondent is directed to complete the enquiry by fixing timeframe.

For the aforesaid reasons, the Writ Petition is disposed of, directing the second respondent – Depot Manager, Mahabubnagar, disciplinary authority, to complete the disciplinary enquiry against the petitioner pursuant to the charge sheet, dated 13.04.2016 and pass

appropriate orders within a period of two months from the date of receipt of this order.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition shall stand disposed of. No order as to costs.

A.V.SESHA SAI, J

27th APRIL, 2016.

kvni