

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

WRIT PETITION No.14597 of 2016

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ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India, challenges the order of suspension passed by the Depot Manager, TSRTC, Madhira, Khammam District, vide proceedings No.O1/209/(01)/16-MDR, dated 04.04.2016.

Heard Sri M. Kotaiah, learned counsel for the petitioner and

Sri B. Mayur Reddy, learned Standing Counsel for Telangana State Road Transport Corporation, appearing for the respondents apart from perusing the material available to the Court.

The petitioner herein is a driver in the respondent Road Transport Corporation. By virtue of the impugned order, dated 04.04.2016, the Depot Manager, Madhira, second respondent herein, placed the petitioner under suspension pending enquiry into the charges. It is also clear from the record that the second respondent issued a charge sheet vide proceedings No.01/209(01)/16-MDR, dated 04.04.2016 framing the following charge:

"CHARGE:- "For having giddiness condition, while proceeding 2nd trip of 04.45 hrs MYLM duty on 14.03.16. the TI-2/MDR proceeded with driver

to Security Branch to check up with Breath Analiser. The Breath Analiser given a beep sound and the Security Personnel have certified that, the driver is in drunken condition which is a serious mis-conduct under Reg.28(ix) (a), (xvii) & (xxxii) of APSRTC employees (Conduct) Regulations, 1963.”

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In response to the said charge sheet, the petitioner herein submitted explanation, dated 16.04.2016. Admittedly, now the enquiry is pending before the second respondent authority.

According to the learned counsel for the petitioner, the order of suspension is not warranted in the facts and circumstances of the case and is highly illegal, arbitrary, unreasonable and violative of Article 14 of the Constitution of India.

On the contrary, it is contended by the learned Standing Counsel for the respondent Corporation that there is absolutely no illegality nor arbitrariness in the impugned order, and since the impugned order is only an order of suspension pending enquiry, the same is not amenable to any judicial review of this Court under Article 226 of the Constitution of India.

Admittedly, in the present case, disciplinary enquiry has already been initiated by the second respondent. Having regard to the nature of allegations, this Court 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, Madhira, disciplinary authority, to complete the disciplinary enquiry against the petitioner pursuant to the charge sheet, dated 04.04.2016 and pass appropriate orders in accordance with law, 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.

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