

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.9919 OF 2017

DATED :22.03.2017

Between :

M. Narsimha S/o.Laxmaiah,
Aged 40 yrs, Occu : Driver,
E.No.176677, R/o.4-95,
Mungode, Nalgonda District.

..
Petitioner

And

Telangana State Road Transport Corporation,
Rep., by its Managing Director, Bus Bhavan,
Musheerabad, Hyderabad & others.

..
Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner worked as driver in the respondents-Corporation. It appears petitioner has obtained salary certificate for the purpose of obtaining education loan. The private financier who wanted to verify the veracity of the salary certificate issued in favour of the petitioner, approached the competent authority for verification and at that stage, it was noticed that there was tampering of salary certificate and forging of signature of the Depot Manager. Disciplinary proceedings were initiated against the petitioner vide proceedings dated 07.02.2017 and he was placed under suspension and a charge sheet was also issued. In the charge sheet two allegations are levelled against the petitioner. The sum and substance of the allegation of the first charge is that petitioner altered the purpose of the salary certificate as higher sureties for loan purpose and sum and substance of the allegation of the second charge is that petitioner submitted salary certificate to private finance organization for surety, which is a serious misconduct.

3. Learned counsel for the petitioner submits that preliminary enquiry report discloses that tampering was not done by the petitioner, but was done by one Swamy Goud to whom the petitioner submitted the documents. He further submits that on enquiry the finance company is found to be bogus company. Thus, there is no material to place the petitioner under suspension and

serve charge sheet. Learned counsel also submits that the documents or instructions, which are the basis for formulating charges are not stated and even though a request is made for supplying them, so far they are not supplied.

4. It is not in dispute that the Depot Manager is the competent authority to take action against the petitioner and based on the material available on record, disciplinary proceedings were initiated. Whether tampering was done by the petitioner or somebody else has undertaken the tampering; whether the tampering was in Xerox copies and not the originals; and that the petitioner was not responsible for tampering or forging of signatures are all matters which requires consideration in the enquiry.

5. It is needless to observe that if an employee requests for supply of the relevant documents, it is mandatory for the disciplinary authority to provide the documents requested, for effective defence of the employee. Thus, when a request is made by the petitioner, such request has to be considered and suitable decision has to be communicated to the petitioner. However on the ground that documents sought are not furnished, the Court is not inclined to interject the disciplinary action.

6. At this stage learned counsel for the petitioner submits that if a time limit is fixed to complete the enquiry, it would suffice the interest of the petitioner.

7. Having regard to the said submissions, the writ petition is disposed of with the following order :

(i) Since preliminary enquiry was conducted after recording the statements of the persons concerned, and the material is now available on record, it would not take longer time for the disciplinary authority to conclude the enquiry. Thus, the disciplinary authority is directed to complete the enquiry and finalize the disciplinary proceedings, as expeditiously as possible, preferably within a period of six (6) weeks from the date of receipt of copy of this order.

(ii) For any reason, delay is not attributable to the petitioner, and disciplinary proceedings are not concluded, the desirability of further continuance of suspension should be reviewed.

(iii) The documents, which are relied upon or referred or which are the basis for initiation of disciplinary action, should be supplied to the petitioner including statements recorded in preliminary enquiry and petitioner should be given opportunity to defend effectively.

(iv) If petitioner has any grievance regarding non-supply of documents or not observing the procedural formalities, it is always open to him to avail such remedies as available and all the issues agitated in the writ petition are left open to be agitated in the disciplinary proceedings.

8. At this stage learned counsel for the petitioner contended that petitioner was kept out of duty from 02.09.2016, till the order of suspension is passed. Since petitioner was not under suspension, during the said period, he cannot be denied pay and allowances. In the explanation submitted by the petitioner on 09.03.2017, this aspect was specifically contended. The

disciplinary authority shall consider this aspect and if the petitioner is entitled for payment of salary for the period, he was kept out of duty before he was placed under suspension, the same shall be released. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

22nd March, 2017

Note : Issue c.c. in one week.

B/o.

Rds

