

**The Hon'ble Sri Justice C.V.Nagarjuna Reddy**  
**and**  
**The Hon'ble Smt. Justice Kongara Vijaya Lakshmi**

**Writ Appeal No.1475 of 2017**

**Date: 06.10.2017**

**Between:**

Ch.V.Ramana

... Appellant

**and**

The Regional Manager  
AP Road Transport Corporation,  
Eluru, West Godavari District and 2 others

... Respondents

**Counsel for the Appellant: Mr.Ancha Panduranga Rao**

**Counsel for the respondents: Mr.S.V.Ramana, SC for APSRTC**

**The Court made the following:**



**Judgment:** (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The petitioner in WP.No.22606 of 2006 filed this Writ Appeal feeling aggrieved by Order, dated 11-08-2017, passed therein by the learned Single Judge, dismissing the said Writ Petition and confirming the order of the reviewing authority passed in a disciplinary proceeding initiated against him.

We have heard Mr.Ancha Panduranga Rao, learned Counsel for the appellant, and perused the record.

The appellant was slapped with a chargesheet on 10.04.2000 for his alleged misbehaviour with the Chief Inspector, Tadepalligudem, Andhra Pradesh State Road Transport Corporation (for short 'the Corporation) for being denied leave on 21-03-2000. The Enquiry Officer, after conducting enquiry, submitted his report on 19-09-2000 holding the appellant guilty of all the three charges. The Disciplinary authority, by his Order, dated 20-01-2000, accepted the findings of the Enquiry Officer and removed the appellant from service. The appeal filed by the appellant before respondent No.2 having been dismissed, he filed a review before respondent No.1. Upon taking a lenient view, respondent No.1 has modified the order of the disciplinary authority by substituting the penalty of deferment of annual increments for a period of two years, which would have the effect of postponement of future increments, and further directing that the period for which the appellant was out

of service shall be treated as 'not on duty' for the purpose of leave and increments. Questioning the said order, the appellant filed the afore-mentioned Writ Petition, which was dismissed by the learned Single Judge.

The learned Counsel for the appellant submitted that proper enquiry was not conducted by the Enquiry Officer and that in the absence of any evidence pointing to the misconduct of the appellant, the Enquiry Officer wrongly found him guilty of all the three charges.

It is not in dispute that during the enquiry, the Enquiry Officer has recorded the statements of the Assistant Depot Clerks *viz.*, G.S.Rao and E.Satya Rao and that of L.V.Raghava Rao, Traffic Inspector Grade.III. All these witnesses have deposed against the appellant for his alleged misbehaviour with the Superior Officer. Based on the evidence of the afore-mentioned witnesses, the Enquiry Officer held the charges as proved.

It is trite that the degree of proof in a disciplinary proceeding is not similar to that in a Criminal Case. While proof beyond reasonable doubt is necessary to hold a person guilty for commission of an offence in a Criminal Case, mere preponderance of probabilities is sufficient for proving the charge against the delinquent in a disciplinary proceeding. Applying this test, it cannot be said that the findings of the Enquiry Officer are not based on

proper evidence. No specific instances have been cited by the appellant to show that there was any procedural illegality in holding the enquiry.

It is undeniable that discipline is an essential attribute of a public servant and indiscipline cannot be condoned at any cost. The appellant, being a conductor, was found guilty of misbehaving with the superior Officer merely for the latter not granting leave for one day. Instead of seeking redressal of his grievance before the higher officials, the appellant has misconducted himself. Indeed, the appellant is fortunate to receive a reprieve from respondent No.1, who having taken a lenient view, has converted the penalty of removal of service into one of postponement of increments for a period of two years. In this view of the matter, we do not find any error apparent on the face of the record to interfere with the order passed by the learned Single Judge.

Hence, the Writ Appeal is dismissed.

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**(C.V.Nagarjuna Reddy, J)**

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**(Kongara Vijaya Lakshmi, J)**

Dt: 6<sup>th</sup> October, 2017  
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