

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.V.MP.No.1451 of 2016

in/and

WRIT PETITION No.3000 of 2016

COMMON ORDER:

The Writ Petitioner is working as a Conductor in APSRTC. He was transferred on 31.12.2015 by the 3rd respondent from Guntur-II Depot to Repalle Depot on the ground that there was dereliction of duty by him.

2. Alleging that the said order is punitive in nature (since it specifically mentioned that the transfer is made on account of his dereliction while on duty) and contending that such an order cannot be passed without conducting a disciplinary enquiry after following principles of natural justice, petitioner has filed this Writ Petition.

3. On 03.02.2016, while admitting the Writ Petition, this Court granted interim suspension of the transfer order.

4. W.V.MP.No.1451 of 2016 is filed to vacate the said order.

5. In W.V.MP/counter affidavit, respondents have taken the stand that there was a preliminary enquiry into the allegations leveled against the petitioner which indicated that there was dereliction of duty on his part and that the respondents were therefore justified in transferring the

petitioner to Repalle Depot. It is also contended that petitioner's transfer is only on administrative grounds.

6. This contention of the respondents cannot be accepted, because the contents of the impugned order of transfer itself show that the transfer is not on administrative grounds but it is punitive, on the allegation that the petitioner was guilty of dereliction of duty. Further, such a punitive order could not have been passed without conducting disciplinary enquiry in which the petitioner is given opportunity to defend himself in the enquiry.

7. Therefore, the Writ Petition is allowed; the order dt.31.12.2015 of the 3rd respondent is set aside; and consequently, WV.MP.No.1451 of 2016, is dismissed. The respondents are directed to take back the petitioner into duty and pay him salary and other benefits which he is entitled to, from the date he was not allowed to join duty till the date he is now allowed to join duty. However, this will not preclude the respondents from initiating disciplinary proceedings against the petitioner. There shall be no order as to costs.

8. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

10th July, 2017.

gra