

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10009 of 2010

Dated : 09.03.2017

Between:

U.Suresh, S/o Ramanaiah

..

Petitioner

And

Andhra Pradesh State Road Transport Corporation
rep. by its VC & MD and another

..

Respondents



THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10009 of 2010

ORDER :

The petitioner was appointed as driver in the respondent-Corporation, on contract basis, in the year, 2006. Thereafter, his services were regularized. It was alleged that on 22.11.2007, while he was on duty, he drove the bus bearing No.11Z 735 in a rash and negligent manner, resulting which, major accident occurred and caused loss to a tune of Rs.10,831/- to the respondent-Corporation. He was served with charge sheet-cum-SCN, dated 05.09.2009 and thereafter, final order was passed on 17.11.2009 imposing penalty of Rs.10,831/- which would be recovered in twenty instalments towards vehicle damage. Aggrieved thereby, this writ petition is filed.

This Court while admitting the writ petition on 28.04.2010, granted interim suspension of the impugned order.

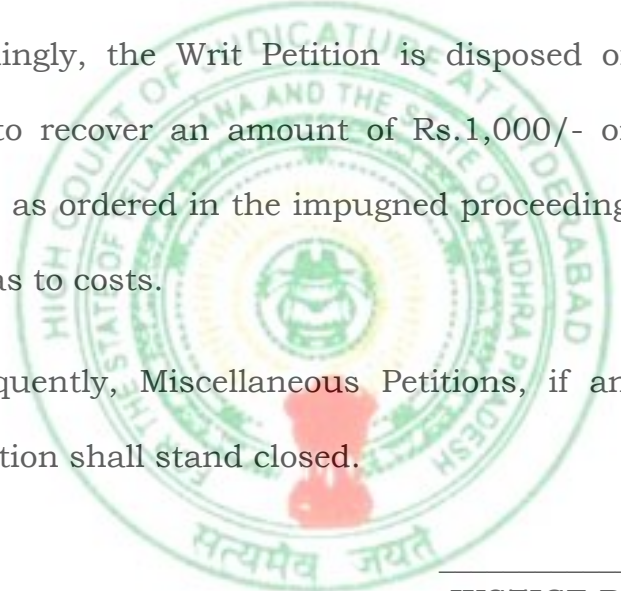
Learned counsel for the petitioner submits without following the regulations and Operation Manual, the respondent-Corporation imposed the major penalty. He further submits that according to one of the clauses in Operation Manual, if the driver is responsible for the damage caused to the vehicle, irrespective of the nature of damages, maximum penalty that could be levied on the driver is Rs.1,000/-, whereas the respondent-Corporation levied an amount of Rs.10,831/-, which is arbitrary and illegal.

Learned counsel for the petitioner further submits that the petitioner consents for payment of Rs.1,000/- without any protest on the action taken against him in order to settle the issue.

Having regard to the fact that the incident is of the year, 2007 and as per the Operation Manual, maximum amount of penalty can be levied on a driver is only Rs.1,000/- and since the petitioner is coming forward to pay the amount, this Court is inclined to reduce the amount of penalty to Rs.1,000/- and close the controversy.

Accordingly, the Writ Petition is disposed of directing the respondent to recover an amount of Rs.1,000/- only, instead of Rs.10,831/-, as ordered in the impugned proceedings. There shall be no order as to costs.

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



JUSTICE P.NAVEEN RAO

Date : 09.03.2017
ssp