

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

WRIT PETITION No.17959 of 2017

O R D E R:

Heard counsel for the petitioner and Sri S.V.Ramana,
Standing Counsel appearing for respondents.

2. This Writ Petition is filed by the petitioner challenging the proceedings dt.17.05.2017 issued by the 1st respondent placing the petitioner under suspension pending enquiry.

3. An order placing the petitioner under suspension pending enquiry was issued on 17.05.2017 on allegation that the petitioner behaved rudely and assaulted a passenger by slapping on his left cheek on the pretext that he scolded her when he boarded the bus in which petitioner was conductor on the route Kakinada to Amalapuram. Charge sheet was also issued to the petitioner on the same day and the petitioner gave explanation to the same denying the charges.

4. Counsel for petitioner contended that the passenger in question boarded the bus in an intoxicated condition and fell down because there were number of passengers in the bus and it was the petitioner who got him treated in a hospital and therefore the entire charge memo was misconceived and there is no justification in placing the petitioner under suspension pending enquiry. He contended that this Court has ample power to set aside the suspension order. He relied

upon the decisions of this Court dt.27.10.2014 in W.A.No.1316 of 2014, W.A.No.1092 of 2014 and order dt.02.09.2014 in W.P.Nos.25513 of 2014 and 25514 of 2014. He also stated that the petitioner is ready to face the enquiry but placing her under suspension is not warranted.

5. It is not in dispute that this Court would not interfere with the orders of suspension pending enquiry, where charges are grave. In the present case, the charge of assaulting a passenger is a grave charge and it cannot be said that placing the petitioner under suspension pending enquiry is not warranted.

6. At the stage of considering whether the suspension is warranted or not basing on the allegations in charge sheet, the explanation of the petitioner or the material on which the petitioner would rely in the course of enquiry to be conducted against the petitioner, is not relevant because the defence of the petitioner also needs to be proved in the enquiry.

7. In my considered opinion, basing on the allegations in the charge memo, the respondents were justified in placing the petitioner under suspension pending enquiry and the said action on the part of the respondents cannot be found fault with.

8. Therefore, I do not find any merit in this Writ Petition and it is accordingly dismissed. However, it is made clear

that this Court has not expressed any opinion either on the correctness of the allegations made against the petitioner or the correctness of the defence set up by the petitioner. There shall be no order as to costs.

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

M.S.RAMACHANDRA RAO, J

06th June, 2017.
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