

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.4764 OF 2009

ORDER:

Heard learned counsel for the petitioner and learned standing counsel for the respondents.

The petitioner joined the service of the respondent Corporation as Driver in the year 1992 after undergoing the process of selection. Subsequently, his services were regularised with effect from 07.01.1993. While so, a preliminary enquiry was conducted by the Senior Traffic Inspector, Siddipet, alleging that the petitioner caused the accident by driving the vehicle bearing No.AP 10Z 3467 in a rash and negligent manner, and submitted his report on 14.05.2000. Basing on the report, the petitioner was suspended from service on 26.05.2000 and a charge sheet was issued on the same day with the following charges.

1. For having driven the vehicle No.AP 10Z 3467 in rash and negligent manner and caused a fatal accident on 15.04.2000 on the route Siddipet-Kamareddy via Mustabad near ZPSS School, Machareddy by hitting left front portion of bus at high speed against a student by name Mr.Naini Srinivas, S/o Balraju, aged 15 years, R/o Desaipet, 9th Class student of ZPSS, Machareddy, who alighted from the Dubbaka Depot bus No.AP 10Z 3548 and attempted to cross the road from left to right to reach the school, resulting in his fatality, which constitutes serious misconduct under Reg.No.28(ix)(a) of APSRTC Employees (Conduct) Regulations, 1963.

2. For having failed to take the vehicle No.AP 10Z 3467 into Machareddy Bus Station for alighting and boarding of passengers violating specific instructions of bus service while performing duty on 15.04.2000 on the route Siddipet-Kamareddy via Mustabad, which constitutes serious misconduct under Reg.28(xxxii) of APSRTC Employees (Conduct) Regulations, 1963.

The petitioner submitted his explanation denying the charges. Subsequently, a detailed enquiry was conducted and the enquiry report

was submitted on 28.09.2000. On the basis of the report submitted by the Enquiry Officer, the Depot Manager, Siddipet, passed an order on 13.11.2000 reducing the pay of the petitioner by three incremental stages with cumulative effect for a period of two years having permanent effect duly treating the period of suspension as 'Not On Duty'. When the petitioner preferred an Appeal to the Divisional Manager, Sangareddy, he reduced the punishment from three incremental stages to two incremental stages with cumulative effect for a period of two years, by order dated 24.04.2002. Though a Review Petition was filed before the Regional Manager, the same was dismissed on 24.12.2008. Challenging the proceedings of the Original Authority as well as the Appellate Authority, the present writ petition is filed.

A careful perusal of the charges shows that the petitioner was working as a Driver when the accident occurred and the accident was proved. Whether the petitioner was involved in the accident or whether the accident was caused due to rash and negligent driving of the petitioner cannot be appreciated at this stage as the regular enquiry was already conducted. It is not a case where the petitioner was not given sufficient opportunity to prove his case. In view of the report submitted by the Enquiry Officer and as the same was appreciated by the Original Authority as well as the Appellate Authority, this Court is not inclined to interfere with the punishment imposed against the petitioner.

At this stage, the learned counsel for the petitioner submits that consequent to the modification of the punishment by the Appellate Authority, the modification order was not implemented by the respondent Corporation and a direction shall be given to the respondent Corporation for implementing the modified order of the Appellate Authority. If that is so, it is needless to observe that the respondent Corporation shall implement the order of the second respondent, dated 24.04.2002, by effecting the

punishment imposed on the petitioner as a substitute to the punishment order passed by the fourth respondent on 13.11.2000.

The writ petition is accordingly dismissed. Consequently, miscellaneous petitions, if any pending, in this writ petition, shall stand closed.

A.RAMALINGESWARA RAO, J

14.11.2017
pln

