

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.26134 OF 2017

O R D E R

As per the averments made in the writ affidavit, the petitioner has been working as Driver in the respondent – Telangana State Road Transport Corporation. Aggrieved by the proceedings dated 24.7.2017 issued by the 2nd respondent – Depot Manager, in keeping him under suspension, the present writ petition came to be filed.

The learned counsel for the petitioner submits that on the report of the security constable dated 24.7.2017 that the petitioner was found in intoxicated condition when he was checked with breathe analyzer at 4.30 hours, while proceeding from depot to perform duty, he was placed under suspension by the impugned order. He further submits that of late there are reports that breathe analyzers are not accurate and it cannot be believed that the petitioner would be in intoxicated condition in the early hours at 4.30 a.m. and the allegation is false. In order to find the petitioner *prima facie* guilty, no preliminary inquiry was conducted by subjecting him to medical examination and by examining the witnesses. He submits that the charge was issued based on the report of the security constable of the Corporation dated 24.7.2017, but the said report has not been

furnished to the petitioner along with the charge sheet, enabling him to refute the same. Therefore, he submits that as the suspension was made without adhering to the principles of natural justice, it cannot be sustained and that the petitioner may be directed to be reinstated into service.

On the other hand, the learned Standing Counsel for the respondent Corporation submits that as per the report of the security constable dated 24.7.2017 while proceeding to perform duty, the petitioner was found in intoxicated condition and had the petitioner was allowed to perform duty in such a condition, the life of the passengers and passers-by would have been at peril. It is a serious misconduct on the part of the petitioner as per the APSRTC Employees (Classification, Control and Appeal) Regulations, 1967. Therefore, the Corporation suspended the petitioner pending inquiry and the same may not be interfered with. With these submissions, he sought to dismiss the writ petition.

From the above submissions and the facts and circumstances of the case, it could be seen that the impugned order is only a suspension pending inquiry and at this stage it is not desirable to interfere with the impugned proceedings. It is always open for

the petitioner to raise all the pleas that are available to him in response to the charge memo and the disciplinary authority shall consider the same in accordance with law.

It is needless to observe that the report of the security personnel dated 24.07.2017, shall be furnished to the petitioner forthwith.

It is open for the petitioner to file explanation to charge memo within two weeks from today, if not already filed. The 2nd respondent is directed to consider the same and take appropriate action in accordance with law within a period of three months from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

DATE:04—08—2017

AVS