

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.26536 of 2017

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the proceedings No.02/114(05/2017-Kanigiri, dated 16.05.2017, of the 3rd respondent in suspending the petitioner, as illegal, arbitrary and contrary to the evidence on record and A.P.S.R.T.C. Service Regulations and as well violation of Fundamental Rights guaranteed under the constitution of India and violation of Principles of Natural Justice and set aside the same and consequently direct the respondents to reinstate the petitioner into service as a driver.

2. Heard Sri Karimulla Shaik, learned counsel for the petitioner and Sri S.V. Ramana, learned Standing Counsel for the respondents and perused the material available on record.

3. The case of the petitioner is that the petitioner was appointed as driver in the respondent Corporation in the year 1997 and his services were regularized in the year 1998 and while the matter stood thus, one Kumari M. Divya Jyothi, D/o. Sri M. Venkata Subba Rao of C.S. Puram has made a complaint against the petitioner alleging that the petitioner has misbehaved with her by enquiring about her personal life and taken cell phone without her permission and caught hold of her hands and kept the hand on her shoulders while issuing ticket to her while performing duty on route CS Puram to Ongole with vehicle No.AP 29Z 3913 on 11.05.2017, thereby the girl got down the bus at Kanigiri even though she obtained ticket upto Ongole. On the said allegations, the 3rd

respondent has issued charge sheet *vide* No.O2/114(05)/2017-Kanigiri, dated 16.05.2017, and on the same day, the 3rd respondent passed suspension orders *vide* No.O2/114(05)/2017-Kanigiri, dated 16.05.2017. The petitioner also submitted his explanation, dated 24.05.2017, to the charge sheet denying all the allegations levelled against him.

4. Learned counsel for the petitioner submitted that basing on the false allegations, the petitioner was kept under suspension and that the petitioner never violated any rules.

5. On the other hand, Sri S.V. Ramana, learned Standing Counsel appearing for the respondent Corporation submitted that since charge sheet was already issued on 16.05.2017 and the petitioner has filed explanation on 24.05.2017 to the said charge sheet, the respondent authorities will complete the enquiry within the time frame.

6. On perusal of the material available on record, it is seen that the truth or otherwise of the allegations levelled against the petitioner in the charge sheet, dated 16.05.2017, and suspension order have to be gone into the enquiry, which has to be completed by the respondent authorities.

7. Taking into consideration the facts and circumstances of the case and the submissions of the learned counsel for the petitioner as well as the learned Standing Counsel for the respondent Corporation, this Court is of the view that since the petitioner has filed his explanation, dated 24.05.2017, to the charge sheet, dated 16.05.2017, the writ petition can be disposed of with the following direction:

The competent authority is directed to consider the explanation submitted by the petitioner, dated 24.05.2017, and take action, as expeditiously as possible, in accordance with Rules, more preferably within a period of three (3) months from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending, in the writ petition shall stand closed.

A.RAJASHEKER REDDY, J

Date: 22nd August, 2017

KL



223

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