

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.35110 OF 2017

ORDER

Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for respondents 1 and 2 and learned Government Pleader appearing for respondent No.3.

Initially, the petitioner was appointed as Driver in APSRTC and subsequently, in the bifurcation, he was allotted to TSRTC and is working in Sattupally Depot. On 9.10.2017, he went to Sattupally Bus Stand to go to Kothagudem on some personal work. While so, when he was talking with one Mallikarjun, Y.Nagaraju, who is the Conductor & Secretary of TMU, interfered and slapped him.

It appears that with regard to the same incident, W.P.No.35310 of 2017 was also filed by Abdul Gaffar, against whom, charge sheet dated 16.10.2017 was issued.

In the preliminary enquiry conducted by the 1st respondent, it came to light that the petitioner was in intoxicated condition on 9.10.2017 in front of the Depot gate, created nuisance and abused the said conductor Y.Nagaraju in filthy language. Though breath analyzer test was sought to be conducted, the petitioner did not co-operate for the same.

Hence, the 1st respondent issued a charge sheet on 16.10.2017 by placing him under suspension. The enquiry is stated to be pending. When the petitioner is under suspension, he filed the

present writ petition seeking to declare the impugned proceedings issued by the 1st respondent as arbitrary and illegal.

This Court is of the opinion that the incident that occurred on 9.10.2017 can be enquired without placing the petitioner under suspension as there is no possibility of tampering with the evidence. The act of suspension can be resorted to only in appropriate cases, but not in every case. Though this Court cannot condone the incident, which is yet to be proved, this is not a fit case where the petitioner shall be kept under suspension pending enquiry.

In the circumstances, this writ petition is allowed to the extent of setting aside the order of suspension on 16.10.2017 by giving liberty to the respondent-Corporation to proceed with the enquiry. It is needless to observe that the petitioner shall co-operate with the enquiry. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

30th October, 2017
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