

HON' BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 36861 of 2017

ORDER:

The petitioner was appointed as a Contract Driver in the Respondents' Corporation on 16.06.2009 and her services were regularized on 01.12.2011. Brief facts of the case are that on 28.05.2017, at 07.00 hours while she was performing her duties on Kallur-Nandigama Service and when the bus was stopped at 17.00 hours at Railway gate, the TTIs of Khammam squad stopped the bus, checked and noticed certain irregularities. A Charge Memo was issued to the petitioner alleging that she has collected Rs.26/- from one lady passenger travelling from Utukur to Nandigama at boarding point, and not issued ticket and updated TIM upto stage No.6 Madhira. The 2nd respondent issued a charge sheet on 02.06.2017 and the petitioner was placed under suspension. Thereafter, a detailed domestic enquiry was conducted by the Assistant Manager (Enquiries), Khammam, who submitted a report holding that the charge levelled against the petitioner is not proved. The 2nd respondent has sent the enquiry report to the petitioner calling for objections vide letter dated 18.10.2017 and the petitioner has submitted her comments on 20.10.2017 requesting to take her on duty as the charge is not proved in the enquiry. However, differing with the findings recorded in the enquiry report, the 2nd respondent issued a show cause notice for removal of the petitioner on 27.10.2017. Challenging the same, the present writ petition is filed.

2. Prima-facie, it is noticed that the impugned Notice is a show cause notice. Though the learned counsel for the petitioner tried to impress upon the court with regard to the merits of the case, this court is not inclined to entertain the same in view of the fact that the competent authority, who is the 2nd respondent herein, had differed from the findings recorded by the Enquiry Officer. On the evidence available on record, the competent authority is

entitled to do so. However, it is always open to the petitioner to file her objections to the show cause notice stating that the findings recorded by the Enquiry Officer were proper and on receipt of the same, it is needless to observe that the 2nd respondent shall consider the same and pass a reasoned order mentioning the reasons for deferring from the findings of the Enquiry Officer. In case, if the 2nd Respondent is satisfied with the objections submitted by the petitioner, it is open to the 2nd Respondent to drop further action in the matter. Therefore, this court cannot entertain this writ petition at this stage.

3. However, the petitioner is at liberty to file her objections to the show cause notice dated 27.10.2017 within a period of two weeks from the date of receipt of the copy of the order. In such case, till passing of the appropriate order by the competent authority as aforesaid, no further action shall be taken against the petitioner. In the result, the writ petition is disposed of. No costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO, J

Dt.03.11.2017

Note: CC by one week
B/o.MjI.