

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.36616 of 2017

ORDER:

Heard Sri V.Narasimha Goud, learned counsel for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel appearing for respondent - TSRTC.

2. The petitioner joined the services of the respondent - Corporation as Conductor in December, 2008 after undergoing due process of selection. Subsequently, his services were regularized w.e.f. 01.01.2011. However, when he was absent for eight days on different occasions during the period from 17.02.2017 to 17.03.2017, his services were terminated on 24.10.2017 after conducting enquiry. Challenging the same, the present Writ Petition is filed.

3. Learned counsel for the petitioner submitted that enquiry was not properly conducted and in any event, the punishment imposed on the petitioner is grossly disproportionate to the charge levelled against him. He relied on the judgment of Apex Court in **Union of India and others v. Giriraj Sharma**¹. He also relied on another judgment of this Court in **T.Chiranjeevi and others v. TSRTC and others**².

4. But, since the appeal is available to the petitioner, this Court is not inclined to entertain the present Writ Petition. However, it is for the appellate authority to take the ratio laid down by the Hon'ble Supreme Court and this Court into consideration while

¹ 1994 Supp (3) SCC 755

² 2016 (1) ALD 32

deciding the appeal. In the above two judgments, the Courts opined that punishment of removal from service is grossly disproportionate to the allegation of unauthorized absence for a short period.

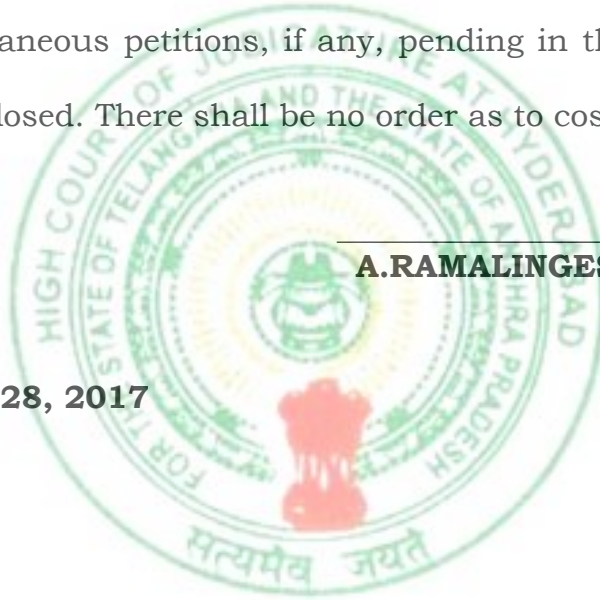
5. Since the appellate authority would be in a better position to exercise its discretion, the Writ Petition is disposed of giving liberty to the petitioner to prefer an appeal to the appellate authority, within a period of two (02) weeks from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

NOVEMBER 28, 2017

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Date: 28.11.2017

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