

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.35310 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 working in Sattupally Depot. On 9.10.2017, after discharging his duties, he handed over the bus bearing No.AP 29Z 1664 plying from Ankampalem to Sattupally, at 12.00 Noon in Sattupally Depot.

It appears that after handing over the bus, under the influence of alcohol, he abused one Y.Nagaraju, Conductor/TMU Depot Secretary, in filthy language and created nuisance in the bus station.

Preliminary enquiry was conducted by the 1st respondent- Depot Manager. In the enquiry, 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. Though breath analyzer test was sought to be conducted, the petitioner did not co-operate for the same. It appears that he entered the security branch and slapped the Driver P.C.Khan and forcibly pulled him from security branch. In view of the same, the 1st respondent issued a charge sheet on 16.10.2017 and kept him under

suspension. The enquiry is stated to be pending. Hence, the petitioner 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 occurred on 9.10.2017 can be enquired into without placing the petitioner under suspension as there is no possibility of tampering with the evidence. The act of suspension can be resorted to 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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