

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.15232 OF 2018

ORDER ::

This writ petition is filed questioning the order dated 06-04-2018 whereby and whereunder the petitioner who has been working as Driver in the 3rd respondent-Parkal Bus Depot was placed under suspension for abstaining from duties without prior permission or sanction of leave resulting in disruption of operation of bus services. It was also referred in the impugned order that the petitioner during the period of his absence was in jail from 24-02-2018 to 27-03-2018 in connection with a criminal case registered by his wife vide FIR No.23/2018 on the file of PS Regonda, for the offences punishable under Sections 307 & 328 IPC and the petitioner failed to intimate the office of his involvement in the crime, his arrest and remand to judicial custody.

2. Learned counsel for the petitioner submits that the arrest of the petitioner has nothing to do with the discharge of his official duties as Driver as because of differences with his wife, his wife has falsely implicated him in the criminal case and got him arrested. It is also stated that the petitioner has submitted a detailed explanation dated 13-04-2018 to the

charge sheet dated 06-04-2018 issued to him, but without considering the same in proper perspective, the impugned order of suspension is passed and the same is liable to be set aside.

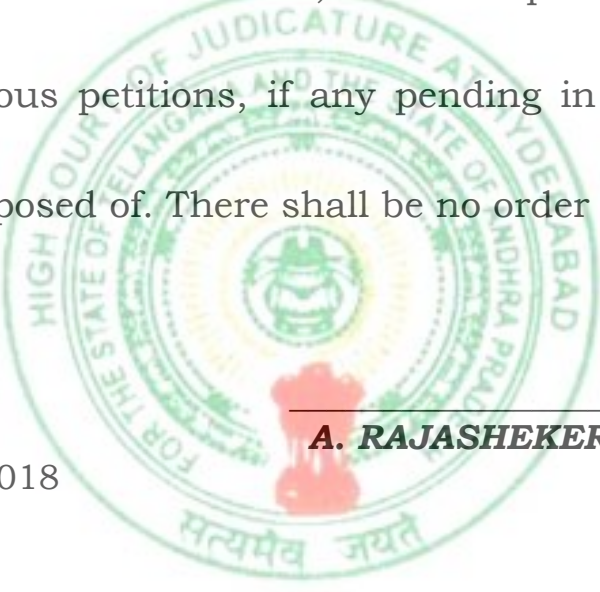
3. On the other hand, Sri Mayur Reddy, learned standing counsel for the respondent-Corporation submits that since the petitioner has not informed of his arrest on the allegation of criminal charges and has been in judicial custody for more than 48 hours, the regulations of the Corporation stipulates that the delinquent be placed under suspension, pending enquiry, and therefore, no exception can be taken to the impugned order in placing the petitioner under suspension.

4. Admittedly, the petitioner is involved in a criminal case lodged by his wife and in that connection he has been in judicial custody for more than 48 hours. Normally, this Court will not interfere with the order of suspension pending enquiry unless the order passed is without jurisdiction or arbitrary exercise of the jurisdiction. However, it is stated that the petitioner has already submitted his explanation to the charge sheet issued to him, it is for the respondent-authorities to take

a decision in the matter. Inasmuch as it is a case of suspension, pending enquiry, the respondents shall complete and conclude the enquiry and pass appropriate orders thereon, in accordance with law, within a period of two months from the date of receipt of a copy of this order failing which petitioners shall be reinstated into duty which will be subject to result of writ petition.

5. With the above directions, the writ petition is disposed of. Miscellaneous petitions, if any pending in this case shall also stand disposed of. There shall be no order as to costs.

Dated: 26-04-2018
NRG



A. RAJASHEKER REDDY, J

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



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