

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.21943 OF 2018

Date: 28.06.2018

Between:

M.S.Rao, s/o. Manohar Rao, Aged about 57 years,
Occu: Conductor, E.255620 of T.S.RTC, Kodad Depot,
R/o. H.No.3-91/A, Naya Nagar, Kodad, Suryapet
District.

.....Petitioner

and

TSRTC, rep.by its Vice-Chairman & Managing
Director, RTC Bus Bavan Complex, RTC X road,
Musheerabad, Hyderabad and another.

.....Respondents



The Court made the following:

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ORDER:

Petitioner is working as Conductor in respondent-Corporation. Petitioner is challenging the order of suspension dated 19.06.2018.

2. According to learned counsel for petitioner, allegation is contrary to the record, that there was no prior opportunity given to the petitioner to explain what transpired on the date and without even considering the explanation offered by petitioner to the charge memo issued on the spot when checking was conducted, suspension was made and, therefore, it amounts to arbitrary exercise of power and authority. According to learned counsel for petitioner, petitioner has rendered unblemished service for several years and is on the verge of retirement. At this stage, suspending him would cause severe hardship and suffering and would demoralize in the eye of public.

3. It is not in dispute that Depot Manager, Kodad Depot is competent authority to place the petitioner under suspension. A bare perusal of the order would itself disclose that allegation against the petitioner is, having collected requisite fare of 32/- petitioner issued only one ticket worth of 16/- and caused loss to the respondent-corporation. In other words the allegation is cash and ticket irregularity. Thus, it cannot be said that what is alleged is minor lapse and on that ground suspension cannot be held to be bad in law.

4. On a reading of the order also, it cannot be said that there was no application of mind and on due consideration of material placed before the disciplinary authority, the disciplinary authority had placed the petitioner under suspension taking note of seriousness of allegation. It is also appropriate to note that on the same day, charge sheet was drawn containing two charges. Subject to petitioner submitting his explanation, the disciplinary authority shall conclude the disciplinary proceedings as expeditiously as possible within a period of two months from the date of receipt of explanation. For any reason, if enquiry is not concluded within the time granted, not attributable to petitioner, the competent authority shall review the desirability of further continuation of suspension of petitioner. Writ Petition is disposed of accordingly. Pending miscellaneous petitions shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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