

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.21942 OF 2018

Date: 28.06.2018

Between:

K.N.Reddy, S/o. Sambasiva Reddy, Aged about 50 years,
Occu:Conductor, E.405223, APSRTC, Pulivendula Depot,
R/o. Pulivendula, Kadapa district.

.....Petitioner

and

Andhra Pradesh State Road Transport Corporation,
Rep.by its Managing Director, RTC House, Pandit
Nehru Bus Terminal, Vijayawada and another.

.....Respondents



The Court made the following:

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ORDER:

Petitioner is working as Conductor. In this writ petition, he is assailing the order of suspension from service and charge sheet served on him on the same day.

2. According to learned counsel for petitioner, charges levelled against the petitioner are vague and they are not grave enough warranting suspension, that petitioner was earlier imposed punishment on allegation of unauthorized absence and, therefore, no further action can be taken and that because on a particular day assigned to him on Pulivendula to Tirupati, he was not achieving the earnings as compared to other Conductors and that Earning Per Kilometre (EPK) Book was not necessarily to be kept with him, that merely because on a particular day, not carrying the EPK Book would not amount to major punishment, at the most may amount to negligence and, therefore, cannot be a subject matter of disciplinary action. According to learned counsel, detailed explanation was filed dealing with all allegations made against him and without closing the disciplinary proceedings by taking note of explanation already filed, petitioner is continued under suspension.

3. According to learned standing counsel, charges levelled against petitioner are grave and, therefore, petitioner was rightly placed under suspension and disciplinary proceedings are validly initiated.

4. It is not in dispute that Depot Manager, Pulivendula Depot is the competent authority to initiate the disciplinary action and to place the petitioner under suspension. A plain reading of the order of suspension would disclose that based on the material placed before him, the competent authority considered that allegations are grave and, therefore, placed the petitioner under suspension. Thus, it cannot be said that there was no application of mind in placing the petitioner under suspension.

5. Charge sheet contains four charges. In the first charge, it is alleged that unauthorized absence and maintained irregular attendance to the duties. The allegation of irregular attendance to the duties cannot be classified as minor misconduct. The other allegations relate to performance of petitioner as Conductor and ensuring better returns to the respondent-Corporation by working effectively. The allegation in the third charge is, petitioner is required to keep EPK Book as mandatory, but he did not keep the book on the day when inspection was conducted.

6. It cannot be said, by plain reading of charge sheet, charges were made vindictively and to harass the petitioner. Thus, the order of suspension and charge sheet cannot be set aside at the threshold on the contentions urged by learned counsel for petitioner. Submissions made by learned counsel as ventilated in the explanation by the petitioner require consideration by the disciplinary authority before proceeding further. Court is not inclined to entertain and keep the writ petition pending at this stage.

7. At this stage, counsel for petitioner would agree for final disposal of the writ petition by fixing time for completing the disciplinary proceedings and counsel for respondent-Corporation do not oppose said request.

8. In view of the same, Writ Petition is disposed of, directing the disciplinary authority to complete the disciplinary proceedings as expeditiously as possible, preferably within a period of two months from the date of receipt of copy of this order. For any reason, disciplinary proceedings are not completed, not attributable to petitioner, the disciplinary authority shall review desirability of further continuation of petitioner under suspension.

Pending miscellaneous petitions shall stand closed. There shall be no order as to costs.

Date: 28.06.2018
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JUSTICE P.NAVEEN RAO



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