

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.25989 OF 2018

Dated:27.07.2018

Between:

M. Venkataiah, S/o. Veeraiah,
Aged 44 years, Occ: Conductor,
E.No.176842, R/o. 7-112, Amhedkar
Nagar Colony, Kattangur, Nalgonda District .. Petitioner

And

Telangana State Road Transport Corporation,
Rep., by its Managing Director, Bus Bhavan,
Musheerabad, Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.25989 OF 2018

ORDER:

Heard.

2. This Writ Petition is filed challenging the order of suspension dated 30.06.2018 and initiation of disciplinary proceedings against the petitioner.

3. Learned counsel for the petitioner sought to contend that the deposition of passenger, who boarded the bus, would clearly show that there was no illegality in issuance of tickets by the petitioner and the same should have been considered and the proceedings against him ought to have been dropped.

4. It is not in dispute that the Depot Manager, Narketpally, Nalgonda District, the 3rd respondent, is competent to place the petitioner under suspension and to initiate disciplinary action against him. A perusal of the charge memo would show that the allegation relates to ticket irregularities.

5. According to learned Standing Counsel for Telangana State Road Transport Corporation, though fare was collected for three passengers, only one half ticket was issued by the petitioner and tickets were not issued to two persons accompanying the minor.

6. According to learned counsel, the deposition of the passenger would disclose that they did not board the bus along with their child, but boarded the bus at later stop, where checking was conducted and even before they ventured to take tickets, case was booked against the petitioner.

7. With regard to said allegation, domestic enquiry was already ordered against the petitioner and at this stage, the Court cannot go into the tenability of the charge or the defense of the petitioner based on the alleged statement of the witness. As the parameters of the judicial review are not attracted in the case on hand with reference to initiation of disciplinary proceedings and placing the petitioner under suspension, the Court is not inclined to entertain the Writ Petition.

8. At this stage, learned counsel for the petitioner submits that as the statement of the passenger would show that there was no illegality committed by the petitioner, the same should have been considered by the disciplinary authority.

9. As the enquiry officer was already appointed, it is open to the petitioner to make a request to the enquiry officer and to call for the witness and to examine him. It is needless to observe that if such request is made, the enquiry officer shall consider the request of the petitioner objectively and take appropriate decision having regard to parameters followed by the respondent – Corporation in such matters. It is also needless to observe that if the petitioner is aggrieved by any decision made, it is open to him to avail appropriate remedies as available in law.

10. The Writ Petition is accordingly disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date: 27.07.2018

Note:- Issue C.C. in one week.

(B/o)
KH