

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.27647 OF 2018

Date: 07.08.2018

Between:

Nallagati Bhaskarbabu s/o. M.R.Munaswamy Naidu,
Aged 56 years, occu: APSRTC Driver, r/o. Thalambedu,
NR Pet Post, Chittoor Mandal and district.

.....Petitioner

and

The Andhra Pradesh State Road Transport Corporation,
rep.by its Vice Chairman and Managing Director,
Nehru Bus Stand, APSRTC Bus Complex, Vijayawada,
Krishna district and others.

.....Respondents



The Court made the following:

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ORDER:

Disciplinary action was initiated against the petitioner on the allegation of rash and negligent driving, resulting in death of pedestrian. The disciplinary action resulted in imposing punishment of removal from service by order dated 25.4.2017. On appeal preferred by petitioner, appellate authority by its order dated 29.07.2017 affirmed the decision of the disciplinary authority. This writ petition is filed challenging the order of disciplinary authority as affirmed by the appellate authority.

2. On the very same issue, criminal proceedings are launched against the petitioner and he was shown as accused in C.C.No.239 of 2017 on the file of Judicial Magistrate of First Class, Mydukur. By judgment dated 06.11.2017, Judicial Magistrate acquitted the accused of the charge under Section 304-A of IPC.

3. According to learned counsel for petitioner, on the very same set of allegations as petitioner is acquitted by the criminal Court, the order of removal as affirmed by the appellate authority is not valid in law.

4. However, it is seen from the material on record that order of removal by the disciplinary authority as affirmed by the appellate authority was prior to acquittal granted to the petitioner. Therefore, it cannot be said that disciplinary authority ignored the acquittal granted while holding the petitioner guilty.

5. However, as petitioner is now acquitted of the criminal charge of rash and negligent driving resulting in death of a

pedestrian, which is the charge leveled against petitioner in the domestic enquiry also, the order of appellate authority is set aside and matter is remanded to the appellate authority. Liberty is granted to the petitioner to make a fresh appeal enclosing copy of judgment in CC No.239 of 2017 within a period of two weeks from today. On receipt of appeal along with copy of judgment, the appellate authority shall consider the appeal preferred by petitioner in the light of acquittal granted to the petitioner by the competent Court and pass appropriate orders as warranted by law within further period of four weeks. Writ Petition is accordingly allowed. Pending miscellaneous petitions shall stand closed.

Date: 07.08.2018
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JUSTICE P.NAVEEN RAO



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