

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.29529 OF 2018

Dated:23.08.2018

Between:

M.S. Rao, S/o. Manohar Rao,
Aged about 57 years, Occ: Conductor,
E.255620, T.S.R.T.C., Kodad Depot,
R/o.H.No.3-91/A, Naya Nagar, Kodad,
Suryapet District, Telangana State

.. Petitioner

And

TSRTC., rep., by its Vice Chairman and
Managing Director, RTC Bus Bhavan
Complex, RTC X Road, Musheerabad,
Hyderabad and another

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.29529 OF 2018****ORDER:**

Heard.

2. Disciplinary proceedings were initiated against petitioner on the allegation of cash and ticket irregularities, while he was conducting bus. The enquiry officer held the charges as proved. On consideration of the objections filed by the petitioner, the disciplinary authority issued show cause notice dated 10.08.2018 calling upon petitioner to submit his explanation in proposing to remove him from service.

3. Learned counsel for the petitioner sought to contend that during enquiry, the relevant documents were not supplied to petitioner, it is not known as to how the enquiry officer was appointed and since the petitioner rendered 27 years of service and he is now on the verge of retirement, punishment of removal from service would cause grave hardship to him and his family. He further submits that wife of petitioner is a heart patient and at this stage, if petitioner is removed from service, it would cause grave hardship in attending to the treatment of his wife.

4. It is not in dispute that the Depot Manager is competent to issue show cause notice after following due procedure.

5. *Prima facie*, a reading of the show cause notice would show that in response to the show cause notice on the report of the enquiry officer, petitioner filed objections. His objections and the findings of the enquiry officer were considered on all aspects and

having analyzed the evidence on record, the disciplinary authority found the charges as proved and by rejecting the objections filed by the petitioner, issued the show cause notice proposing to impose punishment of removal from service. Therefore, it cannot be said, *prima facie*, due procedure was not followed. Further, in matters of conducting disciplinary proceedings, whenever employee alleges that procedure is not properly followed, it is mandatory for the employee to establish that grave prejudice was caused by not observing due procedure, whereas no such material is placed on record.

6. Regarding long service rendered by the petitioner, that he is due for retirement and his wife is suffering from ailments, are all matters to be urged before the disciplinary authority and persuade the disciplinary authority to impose lesser punishment than the punishment now proposed. Thus, this Court is not inclined to interfere with the show cause notice issued by the disciplinary authority.

7. However, the observations made herein are only for the purpose of consideration of the present Writ Petition. It is open to the petitioner to raise all objections as available in law including objections raised in this Writ Petition and also to raise objections in the subsequent proceedings that may arise after the disciplinary authority takes a decision on the reply to the show cause notice.

8. At this stage, learned counsel for the petitioner requests that two weeks' time from today may be granted to the petitioner to submit explanation and also to make a request to the disciplinary authority to impose lesser punishment.

9. The Writ Petition is accordingly disposed of granting liberty to the petitioner to submit explanation and also to make a request to the disciplinary authority to impose lesser punishment within two weeks from today. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:23.08.2018

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

(B/o)
KH

