

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.30338 OF 2018

DATED :29.08.2018

Between :

Kotaiah S/o.Satyanarayana,
Aged about 38 yrs, Occu : Driver in APSRTC,
R/o.H.No.7-72/1, Nidamanuru (V & M),
Nalgonda District.

..
Petitioner

And

The State of Telangana,
Rep., by Principal Secretary,
Transport Department,
Secretariat, Hyderabad & others.

...
Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

Heard learned counsel for the petitioner and learned Standing counsel for the respondent-Corporation.

2. In this writ petition petitioner challenges his suspension from service and the charge sheet. Petitioner is the driver in Telangana State Road Transport Corporation. He was arrested on 31.05.2018 and was in judicial custody for more than 48 hours. After his release from judicial custody the impugned orders are passed suspending the petitioner from service and also initiated disciplinary action. In view of the provision contained in the Regulations governing the service, a person who is in custody for more than 48 hours should be deemed to be under suspension from the time of his detention. Therefore, the formal order of suspension does not make the order of suspension *per se* illegal as statutory requirement would automatically come into effect the moment a person is in the custody for more than 48 hours. Thus, merely because a formal order of suspension is communicated, it cannot be challenged on that ground.

3. In the charge sheet it is alleged that the petitioner did not inform about his arrest and detention in police custody and thereby committed mis-conduct.

4. According to learned counsel for the petitioner the family members of the petitioner have informed about his arrest and detention as petitioner was in custody he could not have informed. Whether there was any lapse on the part of the petitioner or his

family members in informing about the arrest and detention or the family members have informed about the detention are matters for consideration by the disciplinary authority.

5. It is not the case of the petitioner that the Depot Manager is not competent to initiate disciplinary proceedings. It cannot be said that there was no material, based on which the disciplinary action is initiated. Hence, this Court is not inclined to entertain the writ petition and suspend the disciplinary proceedings.

6. However, having regard to the nature of charge leveled against the petitioner, it does not require much time to conclude the disciplinary proceedings.

7. At this stage, both counsel agree for disposal of writ petition by fixing some time limit to complete the disciplinary proceedings.

8. Having regard to the nature of allegations and since petitioner has already submitted his explanation, the disciplinary authority is directed to conclude the disciplinary proceedings, as expeditiously as possible, preferably within a period of four (4) weeks from the date of receipt of copy of this order. Petitioner shall also cooperate for early conclusion of the disciplinary proceedings. For any reasons not attributable to the petitioner, the disciplinary proceedings are not concluded the respondents shall review further continuation of suspension of petitioner.

9. With the above directions, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

29th August, 2018
Rds