

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6440 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue an appropriate order or direction more particularly a Writ of Mandamus declaring the orders passed by 3<sup>rd</sup> respondent *vide* proceedings No. 02/95(15)/2019-DM:ADB, dated 14-03-2019 in placing the petitioner under suspension without considering the explanations submitted by the petitioner to charge memo dated 28.02.2019 as illegal, arbitrary, unjust, improper and contrary to the rules and violation of principles of natural justice and set aside the suspension order passed by 3<sup>rd</sup> respondent *vide* proceedings No.02/9515/2019-DM:ADB, dated 14.03.2019 by further directing the 3<sup>rd</sup> respondent to reinstate the petitioner into service as Driver with all consequential benefits in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri S.Surender Reddy, learned counsel appearing for the petitioner and Sri A.Ravi Babu, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that initially, he was appointed as Driver in the respondent-Corporation. Thereafter, his services were regularized and he was working as such. While so, alleging cash and ticket irregularities, charge memo dated 28.2.2019 was issued to the petitioner. Pursuant to the same, the petitioner has submitted his

explanation. But, without considering the said explanation, the respondents have placed him under suspension on the same day.

Learned counsel appearing for the petitioners submits that without conducting any enquiry and without considering the explanation submitted by the petitioner, the disciplinary authority placed him under suspension, which is unwarranted; and that the disciplinary authority ought to have conducted enquiry and given opportunity to the petitioner to defend his case in the departmental enquiry.

Learned Standing Counsel appearing for the respondent-Corporation submits that since grave cash and ticket irregularities have been alleged against the petitioner, the disciplinary authority in its wisdom thought it right to place him under suspension and inferred that the petitioner may influence the witnesses and also tinker and tamper the evidence.

Having considered the rival submissions made by the learned counsel on either side, this Court is not inclined to interfere with the suspension order since it is prerogative of the disciplinary authority to place the petitioner under suspension.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

*27<sup>th</sup> March, 2019*  
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