

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.11987 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“..... to issue an appropriate writ or direction particularly one in the nature of WRIT OF CERTIORARI, quash the impugned order of suspension from service and charge sheet issued vide common proceedings No.E2/ 114(2)/ 2019-NGKL, dated 01.06.2019 as illegal, arbitrary, without jurisdiction as well as in violation of Arts. 14, 16 and 21 of the Constitution of India and consequently the petitioner prays this Honourable Court may be pleased to direct the respondents to reinstate the petitioner into service along with all consequential benefits”.

Heard Mr.V.Narasimha Goud, learned counsel for the petitioner and Si B.Mayur Reddy, learned Standing Counsel for the respondents-Corporation.

It has been contended by the petitioner that he was appointed as a driver in the year 2009 and his services were regularized with effect from 01.09.2013. While so, the petitioner was placed under suspension vide order dated 01.06.2019 on the alleged ground that he has stopped the vehicle unauthorizedly and forcibly, thereby creating panic among crew. He also assaulted another driver and used un-parliamentary language against the lady conductor and the petitioner has forcibly opened and shut the side door of driver resulting in damage to the door glass. The lady conductor has lodged a complaint against the petitioner and on the said allegations, a charge-memo was issued against the petitioner on the same day i.e., on 01.06.2019. The petitioner is challenging the said charge-memo on the ground that placing the petitioner under suspension is unwarranted, as the lady conductor

has withdrawn the complaint made against the petitioner. The petitioner has submitted his explanation to the charge memo on 10.06.2019 requesting the respondents to revoke the suspension and to drop all charges levelled against him.

Learned counsel for the petitioner contended that when the complaint lodged by the lady conductor has been withdrawn by her, placing the petitioner under suspension is unwarranted and there is no reason to continue the petitioner under suspension. He further submits that the petitioner is the Joint Secretary of TMU and to suppress his union activities, he was falsely implicated in the case and, therefore, placing the petitioner under suspension and proceeding against the petitioner by initiating disciplinary action against him in the form of charge-memo is unwarranted and the impugned order is liable to be set aside.

The learned Standing Counsel appearing for the respondents-Corporation contended that the suspension pending enquiry is permissible under the Regulations and no legal ground has been raised by the petitioner in order to interfere with the suspension order. It is also contended that it is the prerogative of an employer to place an employee under suspension pending disciplinary action and since it is almost two months after placing the petitioner under suspension, disciplinary proceedings would be concluded within a reasonable time.

This Court, having considered the rival submissions of the learned counsel for respective parties, is of the considered view that the respondents have rightly placed the petitioner under suspension and the petitioner could not make out any case warranting

interference by this Court with the suspension order pending enquiry. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. However, it is made clear that the respondents shall conclude the disciplinary proceedings initiated against the petitioner within a period of four months from the date of receipt of a copy of this order. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 04-09-2019
Prv



