

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.19663 OF 2019

ORDER:

Heard learned counsel for the petitioner and learned standing counsel for the Telangana State Road Transport Corporation (TSRTC) for the respondents.

2. On the allegation that the vehicle driven by the petitioner met with an accident resulting in death of a person on 28.07.2019, an order of Put off Duty was passed against the petitioner on 26.08.2019 and a charge sheet was also filed. Challenging the same, this Writ Petition is filed.

3. Learned counsel for the petitioner confines his prayer in the Writ Petition to the order of Put off Duty.

4. According to learned counsel for the petitioner, putting the petitioner off duty was based on a report of the Assistant Manager (Traffic) dated 11.08.2019 received on 13.08.2019. The order goes to show that as if the preliminary enquiry officer found the petitioner guilty. However, a reading of the report would show that there was no such finding recorded.

5. In response to this contention, learned standing counsel for TSRTC submits that on 21.08.2019, the Investigator has submitted his report pointing out the negligence of the petitioner resulting in death of a person. However, the Court is not expressing opinion on the point of negligence resulting in an

accident where a person died. It is a matter for domestic enquiry pursuant to the charge memo dated 26.08.2019.

6. However, as rightly pointed out by learned counsel for the petitioner the report of the Assistant Manager (Traffic) does not clearly point out negligence of the petitioner, but only reports what happened and what was informed by the Mechanic Foreman. While passing the order putting the petitioner off duty, this was not noticed. It is not clear from the order whether there is any other material.

7. Therefore, the order of putting the petitioner off duty is set aside. However, the respondents are entitled to proceed with the disciplinary action pursuant to the charge sheet dated 26.08.2019. It is also made clear that there is no expression of opinion on the merits. It is always open for the parties to raise all contentions as available in law. The petitioner shall be assigned duty forthwith. The disciplinary proceedings should be completed within a period of eight weeks from the date of receipt of a copy of this order.

8. The Writ Petition is accordingly allowed. Pending miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:19.09.2019

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