

**HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)**

**THURSDAY, THE TWENTY SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY**

PRESENT

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 14243 OF 2007

Between:

C.H. Sailu, S/o.Durgaiah, Driver (E-105444), APSRTC, Midini Bus Depot, Hyderabad,

...PETITIONER

AND

1. The Regional Manager, APSRTC, Hyderabad City Region, JBS, Picket, Secunderabad.
2. The Depot Manager, APSRTC, Midhani Bus Depot, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of Mandamus declaring that the action of the respondents in imposing the modified punishment of deferment of petitioner's annual increment for a period of 1st year with cumulative effect as bad, arbitrary, unjust and unreasonable by setting aside the Final order No.03/2(3)/2001-MDN dt.26-7-2004 of the respondent No.2 and consequential order dt.13-10-2005 of respondent No.1 herein.

Counsel for the Petitioner: SRI. P. VENKATESWAR RAO

Counsel for the Respondents: SRI N. VASUDEVA REDDY, SC FOR TSRTC

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.14243 OF 2007

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Irrigation for the respondents.

2. Alleging that the petitioner lacked anticipation and failure to take precautionary measures caused accident to a motor cyclist resulting in death of the motor cyclist, disciplinary action was initiated against him. The disciplinary proceedings ended in imposing punishment of reduction of pay by two incremental stages for a period of two years having effect on future increments. The revisional authority modified the said order of punishment to that of deferment of increment for a period of one year with cumulative effect.

3. Learned counsel for the petitioner submits that having regard to the observations made by the revisional authority in the operative portion of the order that as per the Joint Accident Committee, accident occurred due to rash and negligent driving of the motor cyclist, even this punishment imposed by the revisional authority is erroneous and petitioner is entitled to all consequential benefits.

4. I do not see any merit in the said contention. In the impugned order, the revisional authority rejected the contention of the petitioner and observed that petitioner ought to have stopped the bus, having observed the motor cyclist coming in the opposite direction rashly and negligently, but he did not do so, which resulted in the accident. In the later portion of the order, the

observation is with reference to rash and negligent driving of the motor cyclist, which also contributed to the accident. Therefore, I do not see any error in the order of the revisional authority.

5. The Writ Petition is accordingly dismissed. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

Sd/-I.NAGALAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. One CC to Sri P. Venkateswar Rao Advocate [OPUC]
2. One CC to Sri N. Vasudeva Reddy, SC FOR TSRTC [OPUC]
3. Two CD Copies

CHR



HIGH COURT

DATED:27/02/2020

ORDER

W.P.No.14243 of 2007



**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

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