

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**WEDNESDAY, THE THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

THE HONOURABLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

WRIT APPEAL NO: 1222 OF 2014

Writ Appeal under clause 15 of the Letters Patent Appeal preferred against the Order dated 21.10.2013 passed in WP No. 24763/2003. On the file of the High Court.

1. The APSRTC, rep. by its Regional Manager, Medak Region, Sangareddy, Medak District.
2. The Depot Manager, APSRTC, Bus Depot, Medak.,

...APPELLANTS

1. L Amber Singh, S/o Harjya, Driver, E. No.290636, R/o Chinna Lingapur village, Kolcharam Mandal, Medak District.

...RESPONDENT

I.A. NO: 2 OF 2014(WAMP. NO: 3002 OF 2014)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the impugned order dt. 21-10-2013 passed in WP.No.24763 of 2003 pending disposal of the Writ Appeal in the interest of justice.

I.A. NO: 1 OF 2015(WAMP. NO: 912 OF 2015)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim order dated 19.09.2014 passed in W.A.M.P. No. 3002 of 2014 in W.A. No. 1222 of 2014 in the interest of justice and fair play.

I.A. NO: 1 OF 2014(WAMP. NO: 1516 OF 2014)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 138 days in preferring the writ appeal in the interest of justice.

Counsel for the Appellants: SRI. A. SRINIVASA REDDY SC FOR RTC

Counsel for the Respondent: V NARASIMHA GOUD

The Court made the following: ORDER

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO**

WRIT APPEAL No.1222 OF 2014

JUDGMENT: (Per Hon'ble Sri Justice Abhinand Kumar Shavili)

This Writ Appeal is filed aggrieved by the order, dated 21.10.2013, passed in W.P.No.24763 of 2003 by a learned Single Judge of this Court.

2. Heard Sri A. Srinivasa Reddy, learned Standing Counsel for Road Transport Corporation, appearing for the appellants and Sri V. Narasimha Goud, learned counsel for the respondent.

3. Learned Standing Counsel appearing for the appellants had contended that the respondent was working as a Driver with the appellants. On 22.01.2000, while the respondent was driving a bus, he was involved in an accident with a jeep and the same was not informed to the appellants in terms of Regulation No.28 (xxii) of APSRTC Employees (Conduct) Regulations, 1963 (for short, 'the Regulations'). The disciplinary authority has construed the same as misconduct, initiated disciplinary proceedings and issued charge sheet against the respondent. After conducting detailed enquiry and for the proven misconduct, the disciplinary authority

vide proceedings, dated 26.07.2001, has imposed punishment of withholding of two annual grade increments with cumulative effect. Thereafter, the respondent has unsuccessfully preferred an appeal and a revision and later, challenged the said proceedings, dated 26.07.2001, before this Court by filing the subject W.P.No.24763 of 2003 and a learned Single Judge of this Court, *vide* impugned order, dated 21.10.2013, was pleased to allow the subject Writ Petition by setting aside the punishment order and directed the appellants to release two annual grade increments together with back wages, if any, to the respondent, without appreciating any of the contentions raised by the appellants.

4. Learned Standing Counsel appearing for the appellants had further contended that for causing the accident, a criminal case was registered against the respondent *vide* C.C.No.57 of 2000 on the file of learned Judicial Magistrate of First Class, Banswada. Though the respondent was acquitted of the offence alleged by the competent criminal Court *vide* judgment, dated 17.10.2002, the charges levelled against the respondent were held to be proved in the domestic enquiry, as admittedly, the respondent has not informed about the accident to the appellants in terms of

Regulation No.28(xxii) of the Regulations. Learned Standing Counsel further contended that the charges were held to be proved in the domestic enquiry and for the proven misconduct only, the disciplinary authority has imposed the aforesaid punishment, which was confirmed by the appellate authority and the revisional authority. Therefore, the learned Single Judge was not justified in interfering with the punishment order, as though sitting as an appellate authority over the appellants. Therefore, appropriate orders be passed in the Writ Appeal by setting aside the impugned order, dated 21.10.2013, and allow the Writ Appeal.

5. On the other hand, learned counsel for the respondent had contended that the learned Single Judge has rightly allowed the subject Writ Petition on the ground that the passengers, who were travelling in the bus, have stated that there was no negligence on the part of the driver of the bus and even in the enquiry also, the Enquiry Officer has held that the accident was caused due to the rash and negligent driving of the jeep driver but not the driver of the RTC bus. Though there was no material to demonstrate that the respondent was responsible for the accident, the Enquiry Officer has strangely given report stating

that since criminal case is pending against the respondent, the respondent is responsible for the accident, and based upon such Enquiry Report, the disciplinary authority has imposed major punishment of withholding of two annual grade increments with cumulative effect on the respondent. Therefore, the learned Single Judge was justified in interfering with the punishment order and rightly allowed the subject Writ Petition. Therefore, there are no merits in the Writ Appeal and the same is liable to be dismissed.

6. This Court, having considered the rival submissions made by the learned counsel for the parties, is of the considered view that the Enquiry Officer gave a finding that the accident has taken place because of the rash and negligent driving of the jeep driver but not at the instance of the respondent. Therefore, when the charges were not proved and when the respondent was acquitted of the criminal charge in C.C.No.57 of 2000, dated 17.10.2002, the learned Single Judge was justified in allowing the subject Writ Petition. Therefore, this Court is not inclined to interfere with the impugned order, dated 21.10.2013.

7. Accordingly, the Writ Appeal is dismissed. There shall be no order as to costs.

Miscellaneous Applications, if any, pending in this appeal, shall stand closed.

//TRUE COPY//

SD/- T. SRINIVAS
DEPUTY REGISTRAR

SECTION OFFICER

To

1. One CC to SRI. A. SRINIVASA REDDY (SC FOR RTC) Advocate [OPUC]
2. One CC to SRI. V NARASIMHA GOUD Advocate [OPUC]
3. Two CD Copies

KV

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HIGH COURT

DATED: 03/04/2024

ORDER

WA.No.1222 of 2014



DISMISSING THE WRIT APPEAL
WITHOUT COSTS

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RMM
22/6/2024