

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 1453 OF 2008

ORDER:

The petitioner was appointed as a Driver in the Jammalamadugu Depot of APSRTC. A charge sheet, dated 13.7.2007, was issued to him, alleging that he failed to deliver a parcel, worth Rs.20,000/-, on 3.4.2007. The petitioner submitted his explanation on 25.8.2007. On a consideration of the same, the 2nd respondent issued a show-cause notice dated 18.1.2008, observing that the explanation submitted by the petitioner to the charge sheet, dated 13.7.2007, is not convincing, that he has come to the conclusion that the charge leveled against the petitioner is proved, and that he has decided to recover a sum of Rs.20,000/- from the salary of the petitioner. The petitioner was required to explain, as to why a sum of Rs.20,000/- shall not be recovered from him. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondents.

The petitioner feels aggrieved by the procedure adopted by the 2nd respondent, as well as the nature of disposal given to the explanation submitted by him on 25.8.2007. After receiving the charge sheet, dated 13.7.2007, the petitioner submitted his explanation. The 2nd respondent was under obligation to pass a final order, after conducting necessary enquiry. A reference is made to an enquiry and record in the impugned show-cause notice, dated 18.1.2008. However, neither the petitioner was given any opportunity to peruse the record, nor any witness was examined in the enquiry. Before any steps are taken to recover the amount from the petitioner, there ought

to have been a clear finding, holding the petitioner guilty of any charge. In such an event, the petitioner would have been in a position, to avail the remedy of appeal and revision. The procedure adopted by the respondents does not accord with the law.

Hence, the writ petition is allowed, and the impugned proceedings, dated 18.1.2008, are set aside. It is directed that the 2nd respondent shall pass a specific order, on the basis of the explanation dated 25.8.2007, submitted by the petitioner, if necessary, after conducting enquiry by giving an opportunity to the petitioner. There shall be no order as to costs.

30th June 2008

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