

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 30875 of 2018

Date : 31.8.2018

Between:

P Venkanna S/o Saidulu

Aged 38 years Occ

Driver TIM Driver Rio Plot No 14 Amulya Colony Opp
Yellamma Temple Suryapet Road Nalgonda

Petitioner

And

The Telangana Road Transport Corporation

Rep by its M D

Bus Bhavan

RTC X Road Hyderabad & others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner is aggrieved by the order of suspension from service dated 8.8.2018. On the same day, charge memo is also served on him alleging that action of the petitioner in not remitting/returning change of Rs.84/- would amount to misappropriation.

2. Heard learned counsel for petitioner and learned standing counsel for respondent corporation and with their consent the writ petition is taken up for disposal at the admission stage.

3. Petitioner is TIM (Ticket Issuing Machine) Driver. The allegation leveled against the petitioner is that as a TIM Driver, he has committed irregularities while collecting money from the passenger and not returning the balance amount to the passenger which was found when the check was conducted.

4. Learned counsel for petitioner sought to contend that the allegation is premature. Merely because the balance amount returnable to the passenger was not returned immediately, does not amount to misconduct and on the said allegation petitioner ought not to have been placed under suspension.

5. It is not in dispute that Depot Manager is competent to place the petitioner under suspension. Reading of the impugned order would disclose that based on the material placed before the Disciplinary Authority, he found *prima facie* that petitioner committed misconduct, therefore, while initiating disciplinary action petitioner was kept under suspension. Thus, it cannot be said that there was no application of mind by the Disciplinary Authority while placing the petitioner under suspension. Charges leveled against the petitioner cannot be gone into

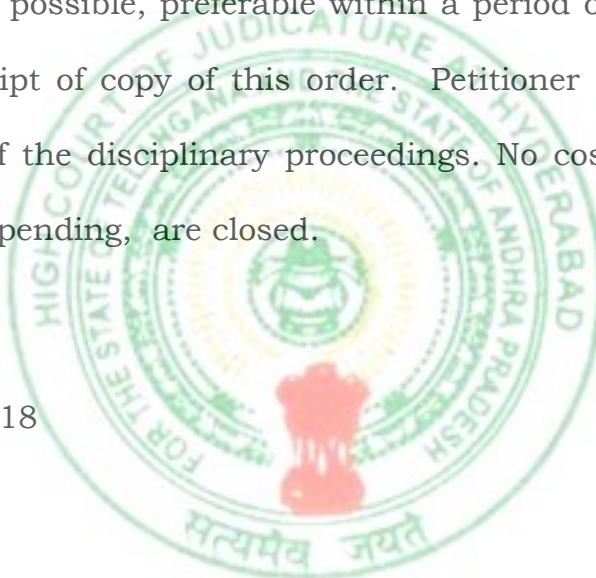
at this stage and it is an issue for consideration in the disciplinary proceedings and it is for the petitioner to satisfy the disciplinary authority that he never intended to misappropriate and was intending to return to the passenger.

6. Thus, this Court is not inclined to interfere with suspension order. At this stage, learned counsel for petitioner requested for fixation of time limit for completing the enquiry. Learned counsel for respondent submitted that eight weeks time may be granted for conclusion of disciplinary proceedings.

7. In the circumstances, writ petition is disposed of directing the Disciplinary Authority to complete the disciplinary proceedings as expeditiously as possible, preferable within a period of eight weeks from the date of receipt of copy of this order. Petitioner shall cooperate for early disposal of the disciplinary proceedings. No costs. Miscellaneous petitions, if any pending, are closed.

DATE: 31-08-2018
TVK

P NAVEEN RAO,J



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