

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

FRIDAY, THE TWENTY NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 1786 OF 2021

Between:

K Suramba, W/o B Ravi Aged 31 years Staff No.E 177274 Conductor of YGT Depot,
R/o. Hno. 2-137/E, Sri Ram Nagar, Near MRO Office, Yadagirigutta.

...PETITIONER

AND

1. State of Telangana, Rep by its Principal Secretary, Transport and R and B
Department, Secretariat, Hyderabad
2. The Managing Director, TSRTC, Bus Bhavan, Hyderabad.
3. Regional Manager, TSRTC Nalgonda Region, Nalgonda.
4. The Depot Manager, TSRTC, Suryapet
5. The Depot Manager, TSRTC, Yadagirigutta

...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, order or direction more particularly one in the nature of writ of mandamus declaring the action of the fourth respondent/DM Suryapet wide proceedings No. 0295 (21)/2016 Dt. 01/09/2016, the proceedings of DVM Suryapet No. PA/19(17)/2016 Dt. 05/12/2016 confirming the removal order and the Third Respondent RM Nalgonda wide proceedings No. PA/19(6)/2017 Dt. 16/05/2017, reinstating the petitioner as fresh conductor as illegal arbitrary against the corporation CCA regulations and direct the respondents to set aside the order of the fresh appointment and grant all consequential benefits i.e. seniority, continuity of service and pay protection etc. and pass orders reinstating the petitioner into the service with effect from 18/03/2020 with all consequential benefits back wages continuity of service and promotional benefits etc.

IA NO: 1 OF 2021

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 direct the respondents to pay the salary on par with batch mates, treating continuity of service from the date of appointment till date pending disposal of the writ petition

Counsel for the Petitioner: SRI M.MADDILETI

**Counsel for the Respondents: SRI A.RAVI BABU
S.C. FOR TSRTC**

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.1786 OF 2021

ORDER:

Heard learned counsel for the petitioner and Sri A. Ravi Babu, learned standing counsel for TSRTC.

2. Petitioner is a Conductor. On the allegation that petitioner failed to observe the rule of 'issue and start', while conducting the bus bearing No.AP 28Z 1658 on 21.04.2016 on route SRPT-MHBD, collected the requisite fare of Rs.66/- from a batch of two passengers at boarding point and issued ticket No.117702 for Rs.33/- denomination only instead of two tickets for two passengers, disciplinary action was initiated. After conducting domestic enquiry, petitioner was removed from service. The said order of removal was affirmed by the appellate authority. Aggrieved thereby, petitioner preferred review petition. The Regional Manager, though held that the petitioner committed misconduct, ordered for reinstatement of the petitioner as a fresh Conductor by his decision, dated 16.05.2017. The said decision is challenged in this writ petition.

3. Both the learned counsel agree that the order of the Regional Manager directing appointment of the petitioner as a fresh Conductor is not valid in law. The Conduct Regulations of the respondent - Corporation do not prescribe punishment of appointment as a fresh Conductor. The order of the Regional Manager was in exercise of disciplinary control as a reviewing authority on the decision made by the disciplinary authority and the appellate authority. The Regional Manager was considering the

punishment of removal from service as part of the disciplinary action. Therefore, if the Regional Manager is not convinced with the punishment imposed on the ground that punishment is excessive, he may modify the said punishment and impose lesser punishment, but he cannot impose punishment which is not prescribed in the Regulations. Thus, the order imposing punishment as a fresh Conductor is *ex facie* illegal and not sustainable.

4. Accordingly, the writ petition is allowed and the matter is remanded to the Regional Manager for considering the review petition afresh and passing appropriate orders as warranted by law. However, since the petitioner is already reinstated into service, the reinstatement stands sustained till a fresh decision is taken by the reviewing authority. Pending miscellaneous petitions shall stand closed.

SD/- K.ONESIM
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Transport and R and B Department, State of Telangana, Secretariat, Hyderabad
2. The Managing Director, TSRTC, Bus Bhavan, Hyderabad.
3. Regional Manager, TSRTC Nalgonda Region, Nalgonda.
4. The Depot Manager, TSRTC, Suryapet
5. The Depot Manager, TSRTC, Yadagirigutta
6. One CC to Sri M.Maddileti, Advocate [OPUC]
7. One CC to Sri A.Ravi Babu, S.C. for TSRTC (OPUC)
8. Two CD Copies

Kj.

V. L.

HIGH COURT

DATED:29/01/2021



ORDER

WP.No.1786 of 2021

ALLOWING THE WRIT PETITION
WITHOUT COSTS.

⑨ VLV
12/2/21