



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3458]

THURSDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 24152 OF 2021

Between:

1.M RAJASEKHAR, S/O. M SESHANNA HINDU, AGED ABOUT 51 YRS,
OCC. EX APSRTC DRIVER ADONI DEPOT, KURNOOL DIST.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPLE
SECRETARY, TRANSPORT, ROAD AND BUILDINGS DEPT.
SECRETARIAT BUILDING, AMARAVATHI, GUNTUR DIST.

2.ANDHRA PRADESH STATE ROAD TRANSPORT CORPORATION,
REP BY ITS MANAGING DIRECTOR, BUS BHAVAN, VIJAYAWADA,
KRISHNA DIST.

3.ANDHRA PRADESH STATE ROAD TRANSPORT CORPORATION,
REP BY ITS EXECUTIVE DIRECTOR, KADAPA, KADAPA ZONE,
KADAPA DISTRICT.

4.ANDHRA PRADESH STATE ROAD TRANSPORT CORPORATION,
REP BY ITS CHIEF TRAFFIC MANAGER, KURNOOL, KUNROOL
DISTRICT.

5.ANDHRA PRADESH STATE ROAD TRANSPORT CORPORATION,
ADONI DEPT, REP BY ITS DEPOT MANAGER. KURNOOL,
KUNROOL DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner: T C Krishnan

Counsel for the Respondent(S): Aravala Rama Rao (SC for APSRTC)
GP for Transport

The Court made the following order:

Heard Sri T.C.Krishnan, learned counsel for the petitioner and Sri Aravala Rama Rao, learned Standing Counsel for APSRTC appearing for the respondents.

2. The petitioner was appointed as a driver in the 2nd respondent-Corporation on 05.08.1998 and posted at the 5th respondent-depot. It is contended that the petitioner's service was regularized on 01.08.1999. It is further contended that, on 06.07.2019, a fateful day, in the early hours, while he was driving a bus bearing No.AP 21 Z 0606 enroute to Kosigi to Bangalore, met with an accident near Y Junction, Penugonda. As a result, the co-driver, who was sleeping in the seat meant for taking rest, received grievous injuries, and while being shifted to a hospital, he succumbed to injuries.

3. In this regard, disciplinary proceedings were initiated against the petitioner after placing the petitioner under suspension and issuing a charge sheet *vide* proceedings dated 30.07.2019, for being involved in a fatal accident due to rash and negligent driving. An enquiry officer was appointed to enquire into the charges framed against the petitioner. The enquiry officer submitted his report on 02.12.2019, stating that the charges framed against the petitioner were proved. The petitioner has submitted his objections to the enquiry officer's report. After considering the explanation submitted by the petitioner, the 5th respondent concluded that the charges framed against the petitioner has been proved beyond doubt, and observed that the petitioner caused the death of a co-driver and injuries to 6 passengers travelling in the

bus while driving the vehicle in a rash and negligent manner. Thus, a show-cause notice dated 23.12.2019 was issued, calling upon him to show cause as to why he should not be removed from service.

4. The explanation submitted by the petitioner to the said show-cause notice was found to be not satisfactory by the 5th respondent. Accordingly, he issued impugned proceedings removing the petitioner from service.

5. Learned counsel for the petitioner contends that the petitioner was not negligent in driving the vehicle. The bus was moving at 50 kmph at the time of the accident. A lorry ahead of the petitioner's vehicle suddenly took a right turn, and another lorry, parked on the left side of the road, was without any parking lights. Immediately, on noticing the same, the petitioner tried to take the right side. However, another bus (a Volvo) approaching from behind crossed the bus the petitioner was driving. During the maneuvering process, the petitioner had to apply a sudden brake, causing damage to the bus and grievous injuries to the co-driver. He contends that the said incident was accidental, but due to unforeseen events, he had to apply the brake suddenly, which took the life of the co-driver. That was purely an accident, not a willful one.

6. Learned counsel for the petitioner further contends that the punishment imposed is grossly disproportionate to the charges framed. He further contends that the regulations framed by APSRTC provides for a punishment of reversion to the lower cadre in case of fatal accidents as the petitioner is

not solely responsible for the accident. Thus, pleads for set-aside of the proceedings and reinstatement.

7. The respondent-Corporation filed counter affidavit stating that the petitioner with his rash and negligent driving caused the death of a person and failure to take safety measures such as maintaining 50 ft. distance from the vehicle which is running front side vehicle. Had the petitioner followed care and caution. The accident could have been avoided. Thus, the 5th respondent observed that the petitioner was solely responsible for the accident and as the charges framed in grave in nature removed from the service.

8. Considered the submissions.

9. The petitioner contends that he had been assigned by the APSRTC to drive the bus on the same route of Kosigi to Bangalore for three years prior to the accident. The petitioner had explained that the lorry ahead of the petitioner's vehicle had taken a sudden right turn, therefore the petitioner, tried to take a turn to the left, but found another vehicle parked on the left side without parking lights. Hence, he again tried to turn right, by which time another speeding vehicle from behind his vehicle came right onto the petitioner's vehicle. In the process, the petitioner had to apply the brakes, but in the process, the vehicle hit the parked vehicle on the left side, leading to the death of the co-driver. The driver who was sleeping in the driver's cabin succumbed to injuries. The disciplinary authority did not consider the petitioner's explanation from the proper perspective. The disciplinary authority

did not rebut the petitioner's statement that the vehicle ahead of the bus driven by the petitioner took a sudden right without giving any indication. The accident occurred when the vehicle suddenly turned to the right while a stationary vehicle was parked on the left side, without parking lights, at midnight. He could not negotiate a further right turn since another vehicle approaching from behind obstructed his movement. The submissions were not rebutted by the disciplinary authority. The disciplinary and appellate authorities were merely swayed by the petitioner's previous conduct while imposing the punishment.

10. Therefore, this Court is of the view that in the light of the Corporation's Regulations, governing the rationalization and standardization of punishments, particularly Regulation No.3.2.3, dealing with the nature of punishments that would be imposed in the case of accidents, the disciplinary authority should have considered imposing any other punishment other than the punishment of removal from service. Accordingly, the impugned proceedings of the 5th respondent dated 04.01.2020 are set aside and the writ petition is disposed of with a direction to the respondent Nos.3 to 5 to impose any punishment lesser than removal from service and reinstate the petitioner into service, within a period of four (04) weeks from the date of receipt of the copy of this order. It is pertinent to observe that the petitioner is not entitled to claim any back wages.

11. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

Date: 30.04.2026
BSK

JUSTICE KIRANMAYEE MANDAVA

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THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

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Date: 30.04.2026
BSK