



2025:TSHC:58855

[3304]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

(Special Original Jurisdiction)

**FRIDAY, THE SEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

WRIT PETITION NO: 20963 OF 2014

Between:

G. Ramulu, S/o. Narsa Goud, aged 50 years, Occ: Conductor, E. No. 290414,
R/o. 3-21, Kanthanpalli, Shivampet Mandal, Medak District.

...PETITIONER

AND

1. APSRTC, Rep. by its Managing Director, Bus Bhavan, Musheerabad, Hyderabad.
2. The Deputy Chief Traffic Manager, APSRTC, Sangareddy, Medak District.
3. The Depot Manager, APSRTC, G.P.P. Depot, Pregnapur, Medak District.

...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 an appropriate writ or direction particularly one in the nature of WRIT OF CERTIORARI, quash the impugned punishment of reduction of pay by (2) incremental stage with cumulative effect besides treating the suspension period as not on duty vide Proceedings No. 02/95(29)/2012-GPP, dated 30.03.2013 as confirmed in appeal vide Proceedings No. PA/20(34)/2013-Dy.CTM/MR, dated 20.03.2014 as arbitrary, unjust and in violation of Art. 14, 16 and 21 of the Constitution of India and consequently the petitioner pray this Honble Court may be pleased to direct the respondents to restore the deferred increments duly treating the suspension period as duty with wages along with all consequential benefits in the interest of justice and fair play.



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I.A. NO: 1 OF 2014(WPMP. NO: 26291 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 direct the respondents to restore the reduced increments by suspending the impugned 02/95(29)/2012-GPP, dated 30.03.2013 as confirmed in appeal vide Proceeding No. PA/20(34)/2013-Dy.CTM/MR, dated 20.03.2014 pending disposal of the above writ petition, in the interest of justice and fair play.

Counsel for the Petitioner: SRI. V. NARASIMHA GOUD

**Counsel for the Respondent No 1: SRI U. SHANTHI BHUSHAN, SC FOR
TGSRTC**

**Counsel for the Respondents No 2 & 3: SRI N. VASUDEVA REDDY, (SC FOR
RTC)**

The Court made the following: ORDER



2025:TSHC:58855

THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

WRIT PETITION No.20963 of 2014

ORDER:

This writ petition is filed to quash the impugned punishment of reduction of pay by (2) incremental stage with cumulative effect besides treating the suspension period as not on duty vide Proceedings No. 02/95(29)/2012-GPP, dated 30.03.2013 as confirmed in appeal vide Proceedings No.PA/20(34)/2013-Dy.CTM/MR, dated 20.03.2014 as arbitrary. Consequently, direct the respondents to restore the deferred increments duly treating the suspension period as duty with wages along with all consequential benefits.

2. Heard Sri V. Narasimha Goud, learned counsel appearing for the petitioner and Sri Shanthi Bhushan, learned Standing Counsel for TGSRTC, appearing for the respondents.

3. Learned counsel for the petitioner submits as follows:-

That the petitioner joined in the respondents' Corporation as a conductor on 02.06.1991. Subsequently, his services were regularized from 31.07.1995. Presently, he is working under the control of the 3rd respondent. While he was conducting the bus service of the 3rd respondent on 23.09.2012, in between Ramsagar and Erragadda, ex-stages (1-38), a check was taken



place at Kompally, stage No. 34. A memo was issued to him stating that he did not collect fare from (3) passengers, who found traveling from stage No.1 to 38 and another (5) passengers traveling stage No.12-38 without a ticket.

4. The (08) passengers were alleged to have been traveling in two batches on the top of the bus. The checking official collected Rs.800/- as a penalty from (8) passengers @ each Rs.100/-, apart from collecting the fare amount. For the above allegations, the petitioner submitted his explanation on 26.09.2012, that these passengers slept over on the top of the bus without his notice and that he had issued tickets for all those who were inside the bus. Therefore, he shall not be made responsible. However, the checking officials falsely implicated him in the case by violating the checking rules prescribed by the 1st respondent from time to time. However, the 3rd respondent without considering these facts had suspended the petitioner from the service on 04.10.2012 and issued chargesheet on the same day, alleging the following charges:

5. The charges are as follows:

1. *"For having violated the rule 'Issue and Start' which constitutes misconduct under Reg. 28(xxxii) of APSRTC, Employees (Conduct) Reg. 1963".*



2. *"For having failed to collect the fare and issue tickets to a batch of 03 passengers traveling without tickets having boarded the bus at Ramsagar and bound for Erragadda, ex-states 01 to 03, and another a batch of 05 passengers traveling without tickets having boarded the bus at Ellikal and bound for Erragadda ex-stages no.12 to 38, which constitutes misconduct under Reg. 28(vi)(a) of APSRTC Employees (Conduct) Regulations, 1963".*

3. *"For having not closed TIM all denominations upto stage no.34 without completing the above issue of tickets closed the TIM up to stage no.32 only, which constitutes misconduct under Reg. 28(ix)(a) of APSRTC Employees (Conduct) Regulations, 1963"*

6. In respect of the above charges, the petitioner submitted his explanation on 09.10.2012, explaining the facts that they boarded over the top of the bus without his notice. The TTI violated the checking rules prescribed in the Chapter 79 of the APSRTC Operational Manual and Circular issued in respect of Job Security of the conductors. Thereafter, the 3rd respondent ordered an enquiry. In the enquiry, the passengers in question, Thirudu Rama Chandram and Mamedla Raju, clearly deposed in the presence of the TTIs that they slept over the bus. The said TTIs and Enquiry Officer did not elicit anything from them that they boarded the bus with petitioner's notice though the Enquiry Officer asked many questions. As such, the petitioner

could establish that they traveled over the bus and hence he could not collect the fare to issue tickets to them.

7. Thus, there exists a reasonable cause in not collecting the fare and in not issuing the tickets to the said passengers. Therefore, it does not amount to misconduct. In fact, the said passengers having accepted their fault in not purchasing the tickets, have paid Rs.100/- each as a penalty. However, the Enquiry Officer ignoring the above evidence, held the petitioner as guilty of the charges. Hence, the Enquiry Officer committed an error, which consequently, vitiates the enquiry. In the enquiry also, the petitioner submitted his objections.

8. The 3rd respondent issued a show cause notice, dated 28.02.2013, proposing to reduce the petitioner's pay by (2) incremental stages which shall have cumulative effect. For the same, the petitioner submitted his explanation on 14.03.2013, explaining that when the passengers were examined in the enquiry, they clearly deposed that they slept over the bus at the time of checking. Thus, the charges leveled against the petitioners are not proved, because the petitioner had issued tickets that were inside the bus. Therefore, the findings of the Enquiry Officer and the 3rd respondent are perverse. But, the 3rd respondent did not consider the above explanation at all



while passing the impugned order dated 30.03.2013, as such it amounts to arbitrary and violation of principles of natural Justice.

9. Being aggrieved by the above punishment, the petitioner preferred an appeal before the 2nd respondent on 28.05.2013, who simply rejected his appeal that all the principles of natural justice were followed; hence it is devoid of merits. Being an appellate authority; he had to give reasons on the ground raised in the appeal. Therefore, the order of the 2nd respondent is also bad in law. Due to this punishment, the petitioner is losing almost all three increments, which would result huge loss over his service period. Hence, the present Writ Petition.

10. Learned counsel for the respondents filed counter affidavit and submits as follows:

That the petitioner was initially engaged as a daily wage conductor vide proceedings No.P2/331(21)/91-SRD, dated 06.06.1991 and thereafter the petitioner's services were regularized w.e.f 31.07.1995. The Petitioner was conducting the Bus No.AP-10Z-7488 on route GPP-KTPL on 23.09.2012. The checking officials of VES/KRMR have exercised a check at stage No.34 (Kompally) at 03.00 Hrs (early hours) on

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23.09.2012 and alleged that the petitioner failed to collect the fare and issue ticket to a batch of 03 passengers who have boarded the bus at Ramsagar and bound to Erragadda ex-stages 01 to 38 and another batch of 05 passengers travelling, who boarded the bus at Ellikal and bound to Erragadda x-stages 12 to 38 without ticket in respect of 13 + 8 passengers in the bus.

11. The TTIs collected the fare of Rs.53/- x 3 = Rs.159/- and another batch Rs.38/- x 5 = Rs.190/- total Rs.349/- collected from the passenger and obtained TPT and TTIs issued charge memo No.AO/1066398, dated 23.09.2012 on the irregularities committed by the petitioner. For the alleged cash and ticket irregularities, the petitioner was suspended from services on 04.10.2012 after duly issuing charge sheet, dated 04.10.2012. The petitioner submitted an explanation to the Chargesheet and the Disciplinary Authority not satisfied with the explanation, and ordered for an enquiry and nominated AM (T)/NKD as the Enquiry Officer to conduct the enquiry and submit report.

12. The Enquiry Officer conducted a detailed enquiry in the case after providing reasonable opportunity and following due procedure. The Enquiry Officer submitted an Enquiry Report



holding that the petitioner is guilty of misconduct and the charges against the petitioner are proved in the enquiry. On the basis of the Enquiry Report submitted by the Enquiry Officer, the Disciplinary Authority took a lenient view and raised suspension of the petitioner and imposed a punishment of reduction of pay by two (02) incremental stages for the period of two years with cumulative effect, besides treating the period of suspension as "NOT ON DUTY" for all purposes. The petitioner did not dispute that the enquiry was conducted in fair manner after following due procedure and giving reasonable opportunities to defend his case.

13. The petitioner preferred an appeal before the 2nd respondent herein challenging the order, dated 30.03.2013 passed by the 3rd respondent. The 2nd respondent after considering the case of the petitioner, rejected the appeal on 20.03.2014 vide proceedings No. PA/20(34)/2013-DY.CTM/MR. The petitioner has an effective and alternative remedy under the Reg.29 of the Employees (Classification, Control and Appeal) Regulations, 1967 of the Respondent Corporation. The petitioner did not avail the opportunity of challenging the order of the 2nd respondent by way of Review Petition before the Revisional Authority provided under the Regulations. The Petitioner did not avail the remedy available

under the ID Act, 1947 by approaching the competent Labour Court. The present writ petition filed the petitioner is not maintainable and on this sole ground of availability of effective and alternative the present writ petition deserves to be dismissed.

14. That the Enquiry Officer held that the charges leveled against the petitioner are proved and the Disciplinary Authority took a lenient view imposed appropriate punishment proportionate to the charges proved against the Petitioner. The orders passed by the respondents do not suffer from any infirmity and are based on the findings of the Enquiry Officer in the Enquiry Report. Accordingly, the writ petition is devoid of merits and liable to be rejected.

FINDINGS OF THE COURT:

15. The contention of the respondent authorities is that the petitioner violated the Rule "issue and start", as such, three charges were framed against him and all the charges were proved. Thus, the departmental issued final order on 30.03.2013 which reads as under:

"Reduction of pay by two (02) incremental stages for the period of two years with cumulative effect, besides treating the period of suspension as "NOT ON DUTY".



16. Aggrieved by the same, the petitioner preferred an appeal. The said appeal was rejected on 20.03.2014. The contention of the petitioner is that, the passengers slept over the Bus at the time of checking, and issued tickets only who are inside the Bus. Therefore, the findings of the Enquiry Officer and 3rd respondent are perverse. The 3rd respondent did not consider the above explanation at all and passed the impugned order as stated above.

17. The contention of the learned counsel for the respondents is that the petitioner did not dispute fact the enquiry was conducted in a fair manner, after following due procedure and giving reasonable opportunity to defend his case. He further submits that petitioner has an effective and alternative remedy under Regulation No.29 of the Employees (Classification, Control and Appeal) Regulation, 1967 of the respondent Corporation. The petitioner did not avail the opportunity of challenging the order of the 2nd respondent by way of review petitioner before the Revisional Authority provided under regulations. The petitioner did not avail the remedy available under ID Act, 1947 by approaching the competent Labour Court. The present Writ Petition filed by the petitioner is not maintainable on the sole ground of availability of effective and

alternative remedy, the present Writ Petition has to be dismissed.

18. It is pertinent to mention here that in several instances the Apex Court observed that once the case is admitted in admission stage, after lapse of three years, there does not arise the question of availment of alternative remedy. In view of the same, since the present case is filed in the year 2014 and at this juncture the question of alternative remedy does not arise. Hence, the contention of the learned counsel for the respondents cannot be considered.

19. The charges framed against the petitioner on two aspects i.e. (1) Three passengers travelled on the top of the Bus, that he does not know and he issued only tickets to the inside passengers. (2) Five persons travelling without ticket having boarded the Bus. Having proved the negligence on the part of the petitioner, the authorities imposed the punishment of reduction of pay by two (02) stages with cumulative effect duly lifting the suspension of the conductor besides treating the period of suspension as 'not on duty' which is highly excessive and disproportionate.

20. Out of the above two charges, first one cannot be considered because once the Bus is on road with full of



passengers, there is every chance of not looking the passengers who are intending to travel on the top of the Bus. In the said circumstances, against the same irregularity, the petitioner cannot be suffered. With regard to 2nd charge, there is apparent negligence on the part of the conductor as he allowed five passengers without tickets in the Bus. In the said circumstances, the punishment as imposed by the respondent authorities is liable to be modified.

21. Accordingly, this Writ Petition is disposed of by modifying the punishment from "reduction of pay by two (02) stage with cumulative effect" to that of "**reduction of pay by two (02) stage without cumulative effect**" and the punishment in respect of treating the period of suspension as 'not on duty' holds good. No order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

Sd/-A.H.S. GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Managing Director, Bus Bhavan, Musheerabad, TSRTC, Hyderabad.
2. The Deputy Chief Traffic Manager, TSRTC, Sangareddy, Medak District.
3. The Depot Manager, TSRTC, G.P.P. Depot, Pregnapur, Medak District.
4. One CC to SRI V. NARASIMHA GOUD, Advocate [OPUC]
5. One CC to SRI U. SHANTHI BHUSHAN RAO, Advocate [OPUC]
6. One CC to SRI. N. VASUDEVA REDDY, (SC FOR RTC), Advocate [OPUC]
7. Two CD Copies
DAN
PMK



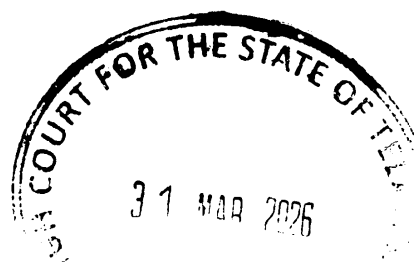
2025:TSHC:58855

HIGH COURT

DATED:07/11/2025

ORDER

WP.No.20963 of 2014



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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kpr
10/3/26