

**(2003) 01 AP CK 0055**  
**In the Andhra Pradesh High Court**  
**Case No : Writ Petition No. 519 of 1998**

The Regional Manager, APSRTC

APPELLANT

Vs

Sk. Gulam Rasool

RESPONDENT

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**Date of Decision :** 29-01-2003

**Acts Referred:**

Andhra Pradesh State Road Transport Corporation Employees (Conduct) Regulations, 1963 — Regulation 28

**Citation :** (2003) 2 ALT 376 : (2003) 97 FLR 950 : (2003) 3 LLJ 368

**Hon'ble Judges :** G. Yethirajulu, J; Bilal Nazki, J

**Bench :** Division Bench

**Advocate :** Posani Venkateswarlu, SC, for the Appellant; V. Viswanadham, for the Respondent

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## Judgement

Bilal Nazki, J.—Heard the learned counsel for the parties. An order passed by the learned single Judge in W.P. No. 708/98 is challenged by way of this appeal. It appears that the Writ petitioner was appointed some time back in the Corporation as Driver on casual basis. On 28th October, 1997 a charge sheet was served on him which reads as under:

"It is reported and alleged by the Security Officer, Nellore that the driving licence No. 263968/DL/84, submitted by you at the time of recruitment is verified with the concerned authorities and found that it is a non-genuine one.

There is one of the condition in your appointment order that "He is liable for termination at any time if the evidence/ information produced by him is found to be false."

Basing on the above allegations, the following charge is framed against you.

Charge:

For having produced a non-genuine Driving licence No. 263968/DL/84 at the time of appointment and got yourself selected for the post of driver and cheated

the Corporation, which constitutes misconduct under Regulation No. 28(xxii) of APSRTC Employees (Conduct) Regulation, 1963.

Please submit your written explanation within seven days from the date of receipt of this charge sheet, failing which it will be assumed that you have no explanation to offer, accepted the charges and further course of action will be initiated against you basing on the evidences available on record."

2. His complaint is that after this charge sheet was served on him he was not given any job to work and was not paid any wages. The respondents who have filed this appeal submitted that he was placed on "put off duty". This concept of "put off duty" has already been considered by a Division Bench of this Court in W.A. No. 218 of 1993. Rules does not provide for placing any employee on put off duty. The learned counsel for appellants submits that since the Writ petitioner was a casual employee therefore there was no question of application of conduct rules in his case therefore he could be simply told not to come to work till the enquiry was completed. This has not been accepted by the earlier Division Bench and we are also not inclined to accept this plea on the ground that the Writ petitioner was charged for the misconduct under Regulation No. 28(xxii) of APSRTC Employees (Conduct) Regulation, 1963. Had the writ petitioner not been amenable to the conduct Rules then how could he be charged under those rules. Since these rules do not provide for any "put off duty" but provide for suspension during the pendency of enquiry therefore, we agree with the earlier Bench judgment that "put off duty" should be construed as "on suspension". While such casual labours are being proceeded against for misconduct in terms of APSRTC Employees Conduct Regulations the appellants cannot chose to apply certain regulations and refuse to apply certain regulations. Therefore, This appeal has no merits. However, the learned counsel for the appellants submits that since the writ petitioner was not being paid any particular scale of pay and he was only paid as and when required therefore it would be difficult to ascertain as to on what rates the allowance during suspension would be payable to him. We leave it to the appellants to make rules in that behalf, but till rules are framed the employees on "put off duty" who have been proceeded against APSRTC Employees (Conduct) Regulation, 1963 shall be paid atleast one-half of the basic of the scale which is available for the post against which such employee was working before he was put off duty, or he shall be paid the wages for 15 days for every month during the period of suspension.

3. The Writ petition is accordingly disposed of.