

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.35730 of 2012

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Date: 31-12-2014

Between

M.Z.Baig

... Petitioner

and

APSRTC,

Rep. by its MD,

Bus Bhavan, RTC 'X' Roads,

Hyderabad;

and 2 others

... Respondents

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.35730 of 2012

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Order:

Heard Sri V.Narasimha Goud, learned counsel appearing for

the petitioner and Sri H.Venu Gopal, learned Standing Counsel appearing for the respondents-Corporation.

2. This writ petition is filed seeking to quash the impugned order of removal from service issued by the 3<sup>rd</sup> respondent vide proceedings dated 26-5-2012 as confirmed by the 2<sup>nd</sup> respondent in his proceedings dated 03-10-2012 as illegal, arbitrary and in violation of Articles 14, 16 and 21 of the Constitution of India as well as in violation of Regulation 12 of APSRTC (CC&A) Regulations, 1967 and consequently, to direct the respondents to reinstate the petitioner into service, with continuity of service, attendant benefits and back wages.

3. The petitioner was a driver in the respondents-Corporation. According to him, his services were terminated on the ground of absenteeism without serving the charge-sheet and concluding all the proceedings *ex parte*.

4. Similar issue fell for consideration in W.A.No.1126 of 2009 wherein a Division Bench of this Court by judgment dated 12-11-2009 set aside the order dated 18-4-2009 in W.P.No.2020 of 2009 passed by a learned single Judge of this Court as well as the impugned proceedings of removal from service and directed for reinstatement of the appellant into service along with all consequential benefits.

5. The question involved in the present writ petition is squarely covered by the judgment of the Division Bench of this Court in W.A.No.1126 of 2009, dated 12-11-2009. Therefore, the termination orders passed by the 3<sup>rd</sup> respondent against the petitioner on 26-5-2012 are hereby set aside.

There shall be a direction to the respondents-Corporation to reinstate the petitioner into service along with all consequential benefits as prayed for.

6. Accordingly, this writ petition is allowed.  
The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

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R.KANTHA RAO, J.

31<sup>st</sup> December, 2014.  
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HON'BLE SRI JUSTICE R.KANTHA RAO

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31<sup>st</sup> December, 2014.

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