

HON'BLE SRI JUSTICE R.KANTHA RAO

W.P.No.32318 OF 2015

ORDER

Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the respondent-Corporation.

The petitioner was appointed as Driver on contract basis *vide* proceedings dated 14.03.2011 of the 3rd respondent. While so, as he was absented for duties from 25.11.2012 to 4.3.2013 without prior sanction of leave, charge sheet was issued to him. Thereafter, *vide* impugned proceedings dated 27.11.2013 of the 5th respondent, he was terminated from service. Aggrieved by the same, he preferred an appeal, which was rejected. Challenging the same, he preferred review, which was also rejected. Again he preferred mercy petition and the same was also rejected. Hence, the present writ petition is filed seeking to declare the impugned proceedings dated 27.11.2013 as arbitrary and illegal and set aside the same and direct the respondents to reinstate the petitioner with all consequential benefits.

It is the version of the petitioner that after service of the charge sheet, no enquiry was conducted and no show cause notice was issued to him proposing to impose the said punishment against him.

In similar circumstances, learned Single Judge of this Court in W.P.No.2786 of 2012 & batch, dated 29.02.2012, issued certain guidelines in respect of reinstatement of employees, which read as under:

“In cases where appeals/revisions or writ petitions are filed after three years of the orders of termination, it is directed that such petitioner/s shall be considered for re-engagement as fresh contract employee/s, subject to medical fitness and other

formalities, but he/they shall not be entitled to continuity of past service as under para-(1) above.”

Since the issue involved in this writ petition is similar to the above writ petition, the ratio laid down therein squarely applies to the present facts and circumstances of the case. Hence, this Writ Petition is disposed of directing the respondents to re-engage the petitioner as fresh contract Driver, subject to his medical fitness, without any consequential benefits, within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE R.KANTHA RAO

27th October, 2015

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Note: Issue CC by one week.

