

**HON'BLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION No. 8326 of 2012**

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**ORDER:**

This Writ Petition is filed under Article 226 of the Constitution of India praying to grant the following relief:

"To issue an order or direction more particularly one in the nature of writ of *Mandamus* declaring the action of the 3<sup>rd</sup> respondent in not allotting duties to the petitioner and not even serving the transfer orders to report for duty in pursuance of the Proc: No.E6/684(1)2007-RM-RJY, Dt. 11-2-2008, as high handed and arbitrary action, contrary to APSRTC Regulations, contrary to the circular instructions and as such liable to be set aside with a consequential direction to the respondents herein to extend all the benefits on par with the colleagues of the petitioner including regularization forthwith."

2. The petitioner was appointed as driver on contract basis in February, 2008. According to the petitioner, the respondents are not allotting duty to the petitioner; not served transfer order to report to duty in pursuance to the proceedings dated 11.02.2008. Hence, this writ petition.

3. Learned counsel for the petitioner contends that by proceedings dated 11.02.2008, the petitioner was directed to report at the Regional Manager's Office, APSRTC, Rajahmundry. Accordingly, he reported to duty on 19.02.2008 and he worked for about ten months. While he was working in the 3<sup>rd</sup> respondent Depot,

he was orally directed to report to duty at the Deputy Chief Personnel Manager, Hyderabad City Zone. Accordingly, when he reported to duty at Hyderabad, he was not permitted, since no written order of transfer was produced. It is also contended that when the petitioner requested the 2<sup>nd</sup> respondent to furnish the copy of transfer order, the petitioner was informed that his transfer order was misplaced. After considerable time, the petitioner got issued a legal notice on 14.08.2010 to the 2<sup>nd</sup> respondent and, again, filed representations on 18.06.2011 and 09.02.2012, but there was no response. It is contended that the said action of the respondent-Corporation is illegal.

4. Learned Standing Counsel for the respondent-Corporation submits that the petitioner was posted to Ravulapalem Depot on 08.05.2008. While he was working in Ravulapalem Depot, the Deputy Chief Personnel Manager, Hyderabad City Zone directed the petitioner to report before the Deputy Chief Personnel Manager, Hyderabad City Region, temporarily due to acute shortage of crew at Hyderabad, vide letter dated 06.10.2008. Learned Standing Counsel further states that the petitioner did not report at Hyderabad for further posting orders even though the Depot Manager, Ravulapalem has relieved him, and he was absent and no reasons are assigned for not reporting to duty either in Ravulapalem or at Hyderabad. It is further contended that after having afforded considerable time, on 27.01.2009, a show cause notice was issued to the petitioner calling for explanation against proposed deletion of name of the petitioner from the panel, for not reporting to duty at Hyderabad. The same was acknowledged by the petitioner.

5. Averments made in the counter affidavit filed by the respondent-Corporation would show that it is not a case where the petitioner was not given transfer order and was not allowed to join duty deliberately. The petitioner remained absent from duty on his

own. Thus, the contention of the petitioner that he is not given the transfer orders and that he is only kept out of the work without any justification has no merit and the prayer sought for by the petitioner cannot be granted in view of the specific averments in the counter affidavit. If the petitioner has any other grievance with reference to illegal transfer or dispensing him from services, he has to work out his remedies as available under law.

6. Accordingly, this Writ Petition is disposed of. However, if the petitioner makes representation for fresh appointment and if he is otherwise eligible and qualified for such appointment, the same shall be considered by the 2<sup>nd</sup> respondent. There shall be no order as to costs.

7. As a sequel, miscellaneous petitions, if any pending in this writ petition, shall stand closed.

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**P. NAVEEN RAO, J**

17<sup>th</sup> November, 2015

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