

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

**WRIT PETITION No.35524 of 2015**

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**30.10.2015**

Between:

K.Annapurna

.. Petitioner

and

The Andhra Pradesh State Road Transport Corporation,

Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.K.Mallikharjuna Moorthy

Counsel for the respondents: Aravala Rama Rao,

standing counsel for Andhra Pradesh State Road Transport Corporation

The Court made the following:

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### **ORDER:**

The petitioner, who was appointed as a Conductor by the Andhra Pradesh State Road Transport Corporation (APSRTC) on contract basis, has unauthorizedly absented herself from duty from 02.01.2009 to 09.01.2009. Therefore, her contract appointment was terminated by order, dated 09.01.2009, of respondent No.3. Feeling aggrieved by the same, the petitioner has made a representation to respondent No.2. On humanitarian consideration, respondent No.2, by order, dated 18.03.2009, directed her to report to duty before the Depot Manager, Rajampet, within seven days of receipt of the said order, failing which the same stands cancelled. Respondent No.2 also imposed a penalty of Rs.1,000/- to be recovered from her salary in two installments for her unauthorized absence. Further, a condition was stipulated that the petitioner's appointment as contract Conductor was up to 31.03.2009. Having received the said order, the petitioner has not reported to duty. More than three years later, she made a representation to respondent No.2, wherein it was stated that as her health condition did not permit her to report to duty, she could not comply with the direction issued by respondent No.2 in his order, dated 18.03.2009, and she has requested respondent No.2 to take her back into duty on humanitarian considerations. This representation was rejected by

respondent No.2, *vide* his order, dated 02.06.2015, wherein he has stated that as the petitioner failed to report to duty, the earlier order, dated 18.03.2009, stood cancelled and therefore, the petitioner cannot be taken back into duty.

As noted hereinbefore the petitioner's termination was set aside by respondent No.2 by order, dated 18.03.2009, subject to the condition of her reporting to duty within seven days from the date of receipt of the said order, failing which the order stands cancelled. The petitioner having received the said order, failed to report to duty. It is not even the pleaded case of the petitioner that she has made a representation on receipt of the said order, dated 18.03.2009, that due to her ill-health, she was unable to report to duty and requested for extension of time for the same. The fact that the petitioner was initially absent unauthorizedly for a period of one week leading to the termination of her contract appointment and her long silence for more than three years even after she was given an opportunity to report to duty amply speaks of her nature of habitual negligence towards her employment. The petitioner, being merely a contract employee, cannot plead any vested right for reappointment when she was unauthorizedly absent from duty and has even failed to avail the opportunity presented by respondent No.2 by not reporting to duty.

For the aforementioned reasons, I do not find any illegality or arbitrariness in the action of respondent No.2 in rejecting the petitioner's representation and the Writ Petition is accordingly dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.45630 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

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**C.V.NAGARJUNA REDDY, J**

**30<sup>th</sup> October, 2015**

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