

HON'BLE SRI JUSTICE R.KANTHA RAO

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Writ Petition No.33150 of 2015

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ORDER:

This writ petition is filed seeking writ of Mandamus declaring the action of the 2nd respondent in rejecting petitioner's representation for reinstatement, as illegal and arbitrary and consequently direct the respondents to allow the petitioner for duties as per proceedings dated 29.06.2009 of the 2nd respondent.

2. Heard Sri P. Venkateshwer Rao, learned counsel appearing for the petitioner and Sri A. Ravi Babu, learned standing counsel for respondent-Corporation.

3. The petitioner was appointed as a daily wage driver on 12.04.1999. Subsequently, he was removed from service vide orders dated 05.06.2007 and thereafter, he filed an appeal and the same was also rejected vide proceedings dated 04.12.2008. Then he filed a review petition before the 2nd respondent, who in turn issued proceedings dated 29.06.2009 ordering his reinstatement as fresh daily wage driver and instructed him to report at Nirmal Depot within seven days from the date of receipt of the said proceedings. It is submitted that subsequent to the said proceedings, the mother of the petitioner died and so he could not report within the stipulated time and he reported for duty with a delay one month before the 3rd respondent. The 3rd respondent informed the petitioner that the said proceedings were deemed to have been cancelled, as the petitioner failed to report within the time stipulated. The petitioner submitted a representation dated 14.07.2010 for reinstatement before the 2nd respondent. As the said representation was not disposed of by the 2nd respondent, the petitioner filed WP No.30655 of 2011 before this court and this Court

by order dated 20.11.2011 directed the 2nd respondent to consider his representation. Subsequent to the said orders, the 2nd respondent issued proceedings dated 10.01.2012 by rejecting his representation. Hence, the petitioner filed the present writ petition.

4. It is agreed by both the learned counsel that the issue involved in the present case is squarely covered by the order dated 30.10.2012 in WP No.31126 of 2012 passed by the learned single Judge of this Court, wherein it was held as follows:

“The issue is no longer *res integra*. A copy of the order dated 29.03.2012 passed by this court in WP No.7358 of 2012 is placed on record indicating that in a similar situation this court granted relief to a contract driver who failed to report for duty within the time stipulated. By the said order, this court directed the APSRTC to re-engage the petitioner thereon on contract basis afresh.

For reasons alike, this writ petition is disposed of directing the APSRTC to provide employment to the petitioner as a contract Conductor afresh”.

5. In the circumstances, this writ petition is also disposed of in terms of the ratio laid down in the above case, directing the respondents to appoint the petitioner as a driver on contract basis afresh, subject to his medical fitness etc., as per the proceedings dated 29.06.2009 of the 2nd respondent, within a period of four weeks from the date of receipt of a copy of this order.

6. The writ petition is accordingly disposed of at the stage of admission. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No order as to costs.

R.KANTHA RAO, J

Date: 09.10.2015

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