

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.14536 of 2005

ORDER:

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The petitioner, the widow of one S. Krishna Murthy, a Conductor in the service of the Andhra Pradesh State Road Transport Corporation (APSRTC), was granted compassionate appointment as a Conductor after the death of her husband. Show-cause notice dated 09.05.2005, proposing removal of the petitioner from service, was issued by the Depot Manager of the APSRTC, Wanaparthi Bus Depot. Therein, two charges were levelled against the petitioner. The first charge was to the effect that upon being appointed as a Conductor, the petitioner had failed to maintain her mother-in-law properly and had abused and assaulted her. The second charge was that the petitioner had contracted a second marriage on 10.03.2004, which was in violation of the rules and regulations and amounted to a misconduct.

By order dated 06.07.2005, this Court granted interim suspension of the impugned show-cause notice and directed the APSRTC to allow the petitioner to discharge her duties as a Conductor.

Sri P. Venkateswara Rao, learned counsel for the petitioner, stated that the mother-in-law of the petitioner, being the mother of the deceased husband, expired on 25.03.2007. A copy of the death certificate issued by the Tahasil Office, Pangal, dated 09.07.2008 is placed on record. In that view of the matter, the first charge against the petitioner does not survive for consideration at this stage.

Insofar as the second charge is concerned, the learned Standing Counsel for the APSRTC is unable to place any material before this Court to substantiate the said charge that the re-marriage of a widow, who has been granted compassionate appointment, would be in violation of the regulations. There can be no such legal bar as it would not only be in violation of public policy but any agreement to this effect, if secured by the APSRTC from the petitioner, would be a void contract in terms of Section 26 of the Indian Contract Act, 1872. The action proposed under the impugned show-cause notice to remove the petitioner from service therefore cannot be sustained.

The writ petition is accordingly allowed setting aside the impugned show-

cause notice dated 09.05.2005.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

1st October, 2015

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