

THE HON'BLE SRI JUSTICE A. RAJASHEKHER REDDY

WRIT PETITION No.2026 of 2004

Date:08.10.2015

Between:

L. Suresh

PETITIONER

AND

1. The Depot Manager, Midhani Depot, APSRTC, Hyderabad, and another.

RESPONDENTS

THE HON'BLE SRI JUSTICE A. RAJASHEKHER REDDY

WRIT PETITION No.2026 of 2004

ORDER:

The case of the petitioner is that he was appointed as casual driver at

Midhani Depot on 19.11.2001 and was deputed to work in the Uppal depot by orders dated 18.06.2003. While so, he received proceedings dated 10.12.2003 issued by the 1st respondent removing his name from the approved/select list of causal drivers of Miidhani Depot on the ground that the petitioner was absent unauthorisedly from 21.08.2003 to 19.09.2003. Aggrieved by the same, the petitioner filed the present writ petition.

Heard learned counsel for the petitioner and Sri N. Vasudeva Reddy, learned Standing Counsel for respondents.

On 5.02.204 this Court while admitting the writ petition passed interim direction, which reads as under –

“Admittedly, the impugned order was passed without conducting any enquiry into the matter. The allegation is that the petitioner is absconding from duty and when he was directed to report for duty at a particular depot, he has not reported. Be that as it may, the petitioner cannot be removed from service unceremoniously.

Prima facie, I am of the view that the impugned order does not stand the scrutiny of law. However, the respondents are directed to engage the petitioner as a casual driver on par with others, during the pendency of the writ petition.”

Though no counter affidavit is filed Sri N. Vasudeva Reddy, learned Standing Counsel for the respondents submits that the petitioner is only a casual driver and his name was deleted from the selected/approved list as he was unauthorisedly absent. By virtue of the interim order of this Court the petitioner was reinstated into service, but once again he was absent unauthorisedly.

A perusal of the impugned order goes to show that the petitioner was terminated on the ground of his unauthorised absence, which casts stigma on him. It is well settled that any order including administrative order, which entails civil consequences affecting the rights of the parties, that too, termination of service which is a major penalty, an enquiry should be conducted. Admittedly, in the case on hand, no enquiry was conducted. More so, the petitioner was in continuous service from the year 2004 by virtue of the interim orders granted by this Court in the present writ petition.

In view of the same, the impugned order is set aside. However, as the petitioner once again terminated from service and the same is the subject matter of

I.D.No.28 of 2014, the petitioner's further continuation will be subject to further orders that may be passed in I.D.No.28 of 2014.

Accordingly, the writ petition is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A. RAJASHEKHER REDDY, J.

8th October, 2015

Js.