

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

WRIT PETITION NO.6273 OF 2005

Between:

L. Kishan Naik

.. Petitioner

and

The Regional Manager,
APSRTC, Karimnagar

.. Respondent

DATE OF JUDGMENT PRONOUNCEMENT
2015

: 28th JULY,

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE SANJAY KUMAR

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| 1. | Whether Reporters of Local newspapers
may be allowed to see the judgment? | Yes/No |
| 2. | Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |

3. Whether Their Lordship wish to
see the fair copy of the judgment?

Yes/No

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.6273 OF 2005

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ORDER

The Andhra Pradesh State Road Transport Corporation (APSRTC) issued Circular No.PD43/2000 dated 11.08.2000 prescribing the procedure to be followed for ensuring genuineness of the driving licences of in-service drivers and also the action to be taken in cases of the drivers already removed from service for being in possession of non-genuine driving licences. As regards the latter category, the Regional Managers of the APSRTC, in whose regions drivers had been removed from service for being in possession of non-genuine driving licences, were to address individual letters to such drivers advising them to obtain fresh heavy transport vehicle licences immediately and after obtaining the same, to intimate the Regional Manager concerned duly enclosing a copy of the fresh licence. A maximum period of 15 months was to be allowed to such drivers to obtain fresh licences.

The petitioner herein was selected for the post of Driver Grade-II in the APSRTC and was sent for training in April, 1998. However, by proceedings dated 07.08.1998, his selection was cancelled and his name was deleted from the panel of selected candidates on the ground that his driving licence was not genuine. The petitioner submitted representation dated 23.09.2000 along with a photocopy of his new licence to the APSRTC requesting consideration of his case under the aforestated Circular dated 11.08.2000. However, as the APSRTC failed to consider his representation, he filed W.P.No.26335 of 2003 before this

Court, which was disposed of on 22.12.2003 directing the APSRTC to consider and dispose of the petitioner's representation in the light of the Circular dated 11.08.2000. Pursuant thereto, the Regional Manager, APSRTC, Karimnagar Region, issued the impugned proceedings dated 25.02.2004 holding that that the Circular dated 11.08.2000 did not apply to the petitioner as he had never been appointed by the APSRTC or worked in its service. Aggrieved thereby, the petitioner filed the present case.

Having heard Sri A. Bhaskarachari, learned counsel for the petitioner, and Sri A. Ravi Babu, learned standing counsel for Telangana State RTC, the successor-in-interest of the APSRTC in the State of Telangana, this Court is of the opinion that the RTC authorities adopted rather a hyper-technical approach while considering the claim of the petitioner vis-à-vis the Circular dated 11.08.2000. Once the APSRTC was prepared to extend the relief thereunder to even the drivers removed from its service to seek reengagement upon procuring fresh licences, there was no reason to deny the same relief to the petitioner, who did not stand on a different footing. No doubt, his selection had not fructified in an appointment whereby he could claim complete parity with the drivers who were removed from service on the ground of not possessing valid driving licences. However, it is an admitted fact that the RTC authorities invested time, effort and money in training the petitioner pursuant to his selection. That being so, merely because he was not appointed pursuant to the said selection, denying him the relief granted under the Circular dated 11.08.2000 would be unduly harsh. As drivers who were removed from service were given the benefit of the said Circular, the petitioner being a driver on the verge of appointment, who otherwise stood on par with the removed drivers, could not be singled out for discrimination on the short ground that his selection had not fructified in actual appointment. Further, deletion of his name from the panel of selected drivers tantamounts to removal from service.

The writ petition is therefore disposed of setting aside the

impugned proceedings dated 25.02.2004. There shall be a consequential direction to the Regional Manager, Telangana State Road Transport Corporation, Karimnagar, to consider the case of the petitioner afresh in terms of the aforestated Circular dated 11.08.2000 treating him on par with a driver removed from service, if he is otherwise found to be fit and eligible for appointment to the post of Driver. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

28th JULY, 2015

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