

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

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WRIT PETITION No.24920 OF 2015

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Between:

R.Bikshapathi

.. Petitioner

And

The Managing Director, TSRTC, Bus Bhavan, Musheerabad, Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 28-09-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE R. KANTHA RAO

1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Judgment?

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to
see the fair copy of the Judgment? Yes/No

HON'BLE SRI JUSTICE R. KANTHA RAO

WRIT PETITION No.24920 of 2015

ORDER:

Heard Sri A.K.Jayaprakash Rao, learned Counsel appearing for the petitioner, and Sri A.Ravi Babu, learned Standing Counsel appearing for the respondent – Corporation.

The petitioner filed the present Writ Petition questioning the order of termination passed by the fourth respondent on 19.01.2011, which was confirmed in the appeal, vide proceedings dated 28.07.2014, and further confirmed by the second respondent in revision vide proceedings dated 26.05.2015. The petitioner was selected by the selection committee by the respondent – Corporation for the post of driver and he was appointed in the year 2007. However, his services were utilized by the respondent – Corporation as driver on contract basis. While working under the control of the fourth respondent, charge sheet was issued to the petitioner on 09.11.2010 alleging that he was absent for duties from 01.08.2010 to 08.11.2010 without any leave or intimation. The version of the petitioner is that he was involved in an accident and he was bed ridden, and his absence was neither wilful nor wanton. Subsequently, he filed an appeal but the same was rejected, vide proceedings

dated 28.07.2014, on the ground of delay. The revision filed by him thereafter was also rejected on the ground of delay. Therefore, he filed the Writ Petition questioning the termination order dated 19.01.2011.

Reliance is placed by the learned Counsel appearing for the petitioner on a common order passed by the learned Single Judge in W.P.No.2786 of 2012 and batch. Issues identical to the present one fell for consideration before the learned Single Judge and the learned Single Judge, in his order dated 29.02.2012, held that, in cases where appeals, revisions or writ petitions are filed three years after the order of termination, such persons shall be considered for reengagement as fresh contract employees subject to medical fitness and availability of vacancy but they shall not be entitled for continuity of service.

Following the judgment relied on by the learned Counsel appearing for the petitioner, the Writ Petition is disposed of directing the respondents to appoint the petitioner as a fresh contract driver, subject to medical fitness and availability of vacancy, without any other benefit, including continuity of service.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. No order as to costs.

R.KANTHA RAO,J

Date:28.09.2015

usd

