

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.42490 of 2015

DATED : 31.12.2015

Between:

Ch. Ravi Kumar S/o. Chenchaiiah,
Aged 52 yrs, Occu : Shramik,
O/o. Tenali Depot, Tenali,
Guntur District,

.. Petitioner

AND

Andhra Pradesh State Road Transport Corporation,
Rep., by its Chairman and Managing Director,
Bus Bhavan, Musheerabad, Hyderabad – 01 & 3 others.

.. Respondents

The Court made the following:

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ORDER:

The petitioner initially joined in service as driver and after declaring him as medically unfit to discharge the duties as driver he was provided appointment as Shramik which post he is holding now since 14.06.2010. It appears from reading of the affidavit filed in support of the writ petition that petitioner has several grievances regarding regulation of conditions of his service. It appears that two disciplinary proceedings were initiated against the petitioner resulting in passing two independent orders on 27.07.2006 and 30.12.2006. In the first order the petitioner was visited with punishment of with-holding of increments for a period of two years having cumulative effect and in the second order he was visited with punishment of with-holding of annual increment for a period of one year having cumulative effect, as well as recovery of Rs.1000/-. The effect of these two proceedings would be that petitioner would not be getting three annual increments when they were next due from the dates of passing of those orders. Whereas in this writ petition the petitioner is seeking for release of annual increments from the year 2006 onwards. Since the punishments imposed on 27.07.2006 and 30.12.2006 have become final and are not assailed in this writ petition, the question of directing the respondents to grant increments from the year 2006 does not arise.

2. It appears that petitioner was placed under suspension which

ultimately culminated in taking disciplinary action and imposition of punishments. Therefore, the period of absence treating the petitioner as “on duty” does not arise. Therefore, on this grievance no relief as sought for by the petitioner can be granted.

3. In addition to the above grievances, it appears from a reading of the affidavit that the petitioner was kept out of duty from 14.05.2006 to 12.10.2009 on the ground of incapacity to discharge the duties as driver and ultimately he was declared as unfit and given alternative employment in which he is working since 14.06.2010. The petitioner also has a grievance that for the said period he was put out of duty and no salary and allowances were paid. It is an independent grievance from the present grievances regarding regulation of period of suspension and payment of increments. This being an independent issue the petitioner has to agitate separately.

4. However, as noticed from the relief sought in the writ petition, the relief is confined to release of increments from the year 2006, payment of salary to the period of 60 days from 25.03.2005 to 23.05.2005 and for 10 days from 14.11.2005 to 24.11.2005. As noticed above, the said relief cannot be granted in view of the finalization of the disciplinary proceedings and imposing of punishments. Regarding entitlement of salary for the period when he was put out of duty, liberty is granted to the petitioner to approach the competent authority ventilating his grievance and it is for the competent authority to consider the same and to pass appropriate orders.

5. With the above observations, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 31st December, 2015

Rds

