

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 24960 of 2000

ORDER:

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The present writ petition came to be filed seeking to declare the proceedings dated 27.11.2000 issued by the respondent-Corporation in No.DYS/L1/372(27)/98-RM(O), retiring the petitioner on medical grounds and also to declare the action of the respondent-Corporation in not extending the Regulation 6(A) (4) of A.P.S.R.T.C. Employees (Service) Regulation, 1964, as illegal and arbitrary and consequently direct the respondent-Corporation to reinstate the petitioner into service in the alternate post of Cleaner or any other suitable post with all consequential benefits.

The averments in the Writ Petition are that the petitioner was initially appointed as Cleaner in the year 1980 and posted to Ongole Depot on compassionate grounds. Thereafter he was promoted as Conductor in the year 1982. From the date of appointment, the petitioner was discharging his duties efficiently. It is stated that the petitioner was issued with a charge memo alleging certain cash and ticket irregularities while the petitioner was conducting Bus on route from Ongole to Jalipalem. After due enquiry, the petitioner was removed from service vide proceedings dated 09.07.1998. After exhausting the remedy of appeal and review, the petitioner raised industrial dispute in I.D.No.280 of 1998 on the file of the Labour Court, Guntur. The Labour Court passed an award dated 01.06.2000, setting aside the order of removal dated 09.07.1998, by directing the respondent-Corporation to reinstate the petitioner into service without continuity of service and without back wages. The same was published in Gazette notification dated 14.09.2000. Subsequently, when the petitioner made a representation to the Corporation on 14.09.2000, he was directed to attend the medical examination before Medical Officer, Ongole. The petitioner is said to have attended for Medical examination and the Medical Officer vide M.C.No.003415, dated 19.09.2000, declared him as unfit for the post of A2 category on the ground of defective vision due to formation of cataract. Immediately thereafter, the petitioner got examined himself in Sidhartha Eye Hospital, Ongole, wherein the Chief Medical Officer, Tarnaka Hospital, on receiving letter dated 29.09.2000 from the Regional Manager for examining the petitioner, confirmed vide letter No.JA1/19(103)/99-TH, dated 23.10.2000, that the petitioner is unfit for the said post and returned the certificate dated 19.09.2000 duly endorsing the same. Basing on the certificate dated 23.10.2000, the Regional Manager addressed a letter No. DYS/L1/372(27)/98-RM(O), dated 27.11.2000 to the Depot Manager to issue necessary reinstatement order and also to retire the petitioner from service on Medical grounds as per A.P.S.R.T.C. Employees (Service Regulations), 1964. Accordingly, the Depot Manager vide order dated 05.12.2000 reinstated the petitioner to the post of conductor in A-2 category subject to medical fitness. On the next day, the petitioner was issued with proceedings dated 06.12.2000, retiring him from the service of Corporation on Medical Grounds with immediate effect in terms of Regulation 6(A) of A.P.S.R.T.C. Employees (Service Regulations), 1964. Challenging the same, the present Writ Petition came to be filed.

At the time when the matter has come up for hearing, learned counsel for the respondent-Corporation submitted that the petitioner died in the year 2013 and as such nothing survives in the present Writ Petition.

Learned counsel for the petitioner submits that though the petitioner died, he is entitled for benefits from the Corporation, which according to him, are not paid to the family members till date. The learned Standing Counsel for the respondent-Corporation, on instructions, submitted to the Court that the petitioner was paid a sum of Rs.4,32,145/- towards retirement benefit, Rs.40,015 towards SBT, Rs.1,20,471 towards gratuity, Rs.1,25,836 towards settlement amount and also funeral expenses.

Recording the submissions made by Sri Durga Prasad, learned Standing Counsel for the Corporation, this Court is of the opinion that no further orders need be passed in this Writ Petition.

Accordingly, the Writ Petition is closed. No costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall also stand closed.

JUSTICE C. PRAVEEN KUMAR

10.08.2015
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