

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.29754 OF 2012

DATED 20th MARCH, 2015

Between:

Shaik Abdul Asad

.. Petitioner

and

APSRTC rep. by its Vice Chairman
Managing Director and others

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.29754 OF 2012

ORDER

This writ petition was filed by a driver working in the Andhra Pradesh State Road Transport Corporation (APSRTC) assailing the charge sheet dated 07.09.2012 issued to him and the office order dated 13.09.2012, whereby he was sought to be posted from Barkathpura Depot to Musheerabad-1 Depot.

By order dated 24.09.2012, this Court took note of the fact that the impugned transfer order was punitive in nature, on the face of it, and accordingly granted interim suspension thereof.

Though W.V.M.P.No.1569 of 2013 was filed by the APSRTC to vacate the said order, it is fairly stated by the learned standing counsel that no further proceedings were taken against the petitioner pursuant to the charge sheet dated 07.09.2012. Perusal of the impugned office order dated 13.09.2012 reflects that the petitioner was sought to be transferred from Barkathpura Depot on the ground that he was involved in an operational irregularities case on 14.08.2012. The so called irregularities, which are stated to have taken place on 14.08.2012, were the subject matter of the charge sheet dated 07.09.2012 issued to the petitioner. As the APSRTC has not chosen to follow up on the said charge sheet and on the other hand, visited the petitioner with a punitive transfer order without following the due procedure, the said order cannot be sustained. The impugned office order dated 13.09.2012 is accordingly set aside.

Though no stay order was granted by this Court, it appears that the APSRTC did not choose to proceed on the basis of the charge sheet

dated 07.09.2012. The learned standing counsel now seeks leave of the Court to enable the APSRTC to pursue the same at least at this stage. Liberty is accordingly granted to proceed as permissible under law.

The writ petition is allowed to the extent indicated above. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

20th MARCH, 2015

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