

THE HON'BLE SRI JUSTICE DILIP B.BHOSALE

AND

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT APPEAL No.213 of 2015

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P.C: (per the Hon'ble Sri Justice A.Ramalingeswara
Rao)
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This writ appeal is directed against the order, dated 05.06.2014, passed by the learned Single Judge in W.P.No.15332 of 2014. The respondents in the writ petition are the appellants herein.

The writ petition was filed by the respondent herein challenging the action of appellant No.4 in terminating his services in Proceedings No.PA/95(109)/10-RZL, dated 15.10.2011, which was modified by appellant No.3 by ordering reinstatement as Contract Conductor by denying past service and benefits to him *vide* proceedings No.PA/20 (223)/2011-Dy.CTM/EG, dated 13.01.2012.

The learned Single Judge based on the orders passed earlier in some writ petitions held that the respondent is entitled to have his past service considered for the limited purpose of regularization and at the same time, it shall be ensured by the authorities that the it does not affect the seniority or other benefits of any other workmen, who are not juniors to him. The said direction was issued without recording a finding on the guilt of the respondent, who was charge-sheeted on 29.12.2010. Learned

counsel for the respondent fairly admitted that there was no finding to that effect.

In view of the same, it is a fit case to remand the matter to the learned Single Judge for fresh consideration.

Learned counsel for the appellants also fairly submits that till the writ petition is heard, the services of the respondent will not be affected in any manner including his termination from service.

Therefore, the writ appeal is allowed, order, dated 05.06.2014, passed by the learned Single Judge in W.P.No.15332 of 2014 is set aside and the matter is remanded to the learned Single Judge for fresh consideration. It is open to the respondent to apply for expeditious hearing of the writ petition before the learned Single Judge.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B.BHOSALE,J

A.RAMALINGESWARA RAO,J

Dt:18.03.2015

kdl

