

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

**WEDNESDAY, THE FOURTH DAY OF NOVEMBER TWO THOUSAND AND
FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.4486 of 2012

Between:

K. Ranjan Reddy,
C-953412, Driver,
S/o. Balram Reddy, Age 37 years,
R/o. Ongole, Prakasam District.

.. Petitioner

AND

The A.P.S.R.T.C.,
Rep. by its Managing Director,
Musheerabad, Hyderabad & 4 others

.. Respondents

The Court made the following:

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ORDER:

According to the petitioner, he was appointed as driver on contract basis in the month of February, 2009. By proceedings, dated 01.09.2009, the petitioner was directed to report to the Depot Manager, Giddalur, for engagement as driver on contract basis. The petitioner could not report before the Giddalur Depot as he was suffering from Typhoid fever. On the ground that the petitioner did not report as directed and absented from duties, show cause notice was issued to the petitioner on 19.04.2010 and after considering the explanation submitted by the petitioner, on 21.04.2010 orders are passed by the Regional Manager, A.P.S.R.T.C., Ongole, Prakasam Region (2nd respondent) deleting the name of the petitioner from the approved panel of contract drivers. Aggrieved thereby, the petitioner filed appeal before the appellate authority. On consideration of the claim of the petitioner and the justification assigned by the petitioner for his absence, the appellate authority rejected the appeal confirming the decision of the Regional Manager, A.P.S.R.T.C., Ongole, Prakasam Region

(2nd respondent), dated 21.04.2010. Aggrieved thereby, this writ petition is filed.

2. Learned counsel for the petitioner contends that the petitioner was empanelled as a driver and on his transfer to Giddalur Depot, he fell sick and, therefore, he could not report to duty immediately. His absence from duty and not reporting to the place of duty is not willful and deliberate, but occasioned on account of his sickness. Learned counsel submits that the original authority/appellate authority failed to appreciate this contention of the petitioner and erroneously negated the contention and passed order. The order impugned in the writ petition has severe civil and evil consequences and the petitioner could not have been thrown out on that ground and at least he ought to have been provided employment as a fresh appointee.

3. Learned Standing Counsel opposes the claim of the petitioner. He contends that no justification was shown for long absence and his claim that he was suffering from typhoid fever was not agreed as it was not supported by medical reports and no person could have been absent from duty for such a long period on the ground of suffering from typhoid fever.

4. It is not in dispute that the petitioner was a contract driver and work was entrusted to him as per his empanelment as contract driver. Proceedings were issued asking him to report before the Giddalur Depot, but the petitioner did not comply with the said direction and absented from duties. It appears that no prior permission was taken by the petitioner for his absence nor has informed the competent authority the reasons of his absence. He responded only to the show cause notice issued on 19.04.2010 taking the plea that he was sick and suffering from typhoid fever. The said plea taken by the petitioner was not accepted by the competent authority. The competent authority was of the view that the absence was for a long period of seven months and no person suffering from typhoid fever could have been absent for such a long period. Therefore, the petitioner was held as negligent and careless in discharging his duties and, therefore, his name was deleted.

5. The petitioner was only a contract employee and was empanelled driver. The procedure as envisaged for regular employees is not attracted. However, due care was taken and notice was issued. Sufficient opportunity was afforded. Except for claiming that the petitioner was suffering from typhoid fever, no material was produced to show his health condition and sickness. Even along with the writ petition, no material is enclosed to show that the petitioner was sick and was really suffering from serious ailment and was not able to report to duty due to his illness. I, therefore, see no illegality or irregularity in the decision taken by the Regional Manager, A.P.S.R.T.C., Ongole, Prakasam Region (2nd respondent) as affirmed by the appellate authority and the writ petition deserves no consideration.

6. Accordingly, the Writ Petition is dismissed. However, it is made clear that if the petitioner is otherwise eligible to be considered for engagement as a driver, this order do not come in the way of such consideration. It is also open to the petitioner to make a request for such engagement and as and when such a request is made, the same shall be considered in accordance with the procedure envisaged. 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: 4th November, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 4th November, 2015

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