

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

WRIT PETITION No.3152 of 2004

ORDER:

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This Writ Petition is filed to call for records relating to proceeding dt.29-06-2002 of the 4th respondent as confirmed by proceedings dt.26-10-2002 of the 3rd respondent terminating the services of petitioner as a casual Conductor in the 1st respondent Corporation.

2. The petitioner was appointed on 02-05-2002 as a Casual Conductor in the 1st respondent organization. A charge memo dt.24-06-2002 was issued to him alleging that he had re-issued a ticket of Rs.5/- denomination, which had already been previously issued to another passenger.
3. In the order dt.29-06-2002 passed pursuant thereto, it is stated that on verification of the S.R., it was clear that the petitioner had re-issued the ticket, which was previously issued to another passenger, and since the petitioner was appointed on daily wage basis, in terms of conditions of such appointment, his service is liable to be terminated as it was detrimental to the interests of the Corporation.
4. Petitioner preferred an appeal against this order to the 3rd respondent. The 3rd respondent rejected it on 26-10-2002.
5. It is stated that the petitioner had filed further appeal/revision on 28-11-2002 before the 2nd respondent, but the same was not considered.
6. The petitioner then got issued a legal notice

dt.21-12-2003 also and since there was no response thereto, the petitioner filed this Writ Petition.

7. The learned counsel for petitioner contends that the impugned order dt.29-06-2002 contains a stigma and therefore without conducting any enquiry, in violation of principles of natural justice, impugned order has been passed. He further contended that the appeal filed by petitioner was erroneously rejected by

3rd respondent. The learned counsel for petitioner placed reliance on the decision of this Court dt.06-08-2004 in W.P.Nos.3048 of 2004 and batch wherein this Court had followed its earlier judgment

dt.22-06-2000 in W.P.No.401 of 2000 and held that where services of a Conductor engaged on casual basis were terminated on the basis of certain allegations casting a stigma, it was incumbent on the part of respondent to conduct an enquiry.

8. The learned counsel for respondents, on the other hand, refuted this submission of the learned counsel for petitioner and contended that the Andhra Pradesh State Road Transport Corporation Employees (Classification, Control and Appeal) Regulations, 1967 do not contemplate of holding of an enquiry in respect of daily wage workers.

9. It is pertinent to note that the said contention was rejected by this Court in the order dt.06-08-2004 in W.P.Nos.3048 of 2004 and batch. This Court had categorically held that since the order of termination of services of petitioners as Conductors on casual basis casts a stigma, it is mandatory to hold an enquiry before terminating their services, and that the order of

termination cannot be sustained since it would be in violation of principles of natural justice.

10. I am in complete agreement with the said view and therefore, following the said decision, this Writ Petition is allowed. The impugned order dt.29-06-2002 of the 4th respondent as confirmed by order dt.26-10-2002 of 3rd respondent is set aside, and the respondents are directed to reinstate the petitioner into service along with all consequential benefits. However, it is open to respondents to conduct an enquiry into the allegations mentioned in the charge memo dt.24-06-2002 after complying with the principles of natural justice. No costs.
11. As a sequel, miscellaneous petitions pending, if any, shall stand disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 16-04-2015

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